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The Solicitors' Journal.

LONDON, SEPTEMBER 14, 1867.

We believe that immediately on the commencement of term an application will be made to one of the Common Law Courts for a prohibition to restrain Drs. Twiss and Robertson from acting as the delegates of Sir Robert Phillimore, as Dean of the Arches, in the cause promoted by *Martin* v. *The Rev. A. H. Mackonochie*, relating to the ritualistic practices at St. Alban's. We understand that no case can be found in which the judge of the Arches Court has delegated his jurisdiction to hear and determine causes to a surrogate, and the ground of the application to the Court of Common Law will no doubt be that it is not competent for the Dean of the Arches to transfer his judicial functions to others.

THE CASE OF AUGUSTA MITCHELL, sentenced by Mr. Payne, at the Middlesex Sessions, to eight months' imprisonment with hard labour, for taking and spending some of the money of the man with whom she was cohabiting as his wife, has given rise to much discussion in the public press. Mr. Payne has been censured for that sentence with unusual severity and unanimity, and we are sorry to have to say that we think the censure thoroughly deserved. It has been shown beyond doubt that the sentence was a specially heavy one, estimated according to Mr. Payne's own general standard of punishment; and we need not tell our readers that, according to the practice of other judges also, eight months' hard labour is no common punishment for a petty theft, a first offence, and committed, not by a professional, but a casual, offender.

There are two cases only in which exceptionally severe sentences can be justified. One is where the crime (whatever its moral character be in the individual instance) belongs to a class which public policy requires should be very sternly repressed. It is upon this ground that larcenies by clerks or servants, breaches of the peace by peace officers, and thefts by letter-carriers are punished in general more severely than the same offences by other people. Secondly, a crime may well be punished with exceptional severity if it be accompanied by circumstances of exceptional aggravation.

Can, then, the sentence upon Augusta Mitchell be excused upon either of these grounds. No one will say that policy requires any special protection to be given to paramours against the dishonesty of their victims or companions in vice. And as for the case itself, we have never read of a theft with more extenuating circumstances. The act was larceny no doubt, for the prisoner did not take the money under any belief that she had a legal right to do so; but it was quite clear that the woman acted under a vague idea that she had some sort of moral right to use the money of the man she was living with, and her conduct was quite free from any of those circumstances of treachery which sometimes appear in such cases. The jury showed that they felt all this by strongly recommending her to mercy, yet Mr. Payne inflicted the punishment we have mentioned.

We fully agree with several of our contemporaries that this sentence ought not to be carried out in its full severity. But we cannot forget that this is but one case out of hundreds which have been brought before the public showing the arbitrary and unaccountable fashion in which punishments are awarded, not at the Middlesex Sessions or by Mr. Payne only, but in higher courts too, and by judges of superior rank; and we hope that another session of Parliament will not be allowed to pass by without some attempt to find a remedy for the present state of things. The question is one of much difficulty: it is not easy to reconcile the necessary degree of uniformity in punishment with the necessary discretion of the judge. But the difficulty must be faced.

A MEMBER of the Sheffield Town Council, a Mr. Ironside, at its annual meeting, held a few days since, proposed, as a means of preventing the recurrence of trade outrages, that certain powers conferred on artizans by Ordinances and Acts from 1565 to 1624, but which were afterwards taken from them, should now be restored to them. In the latter year above-named an Act was passed embodying the "Acts and Ordinances of the hole fellowshippe of cutlers and makers of knyves within the lordshippe of Hallamshire, for the better relief and comodytie of the poorer sorte of the said fellowshippe," and also providing that all persons engaged in the aforesaid manufactures should form one body politic to make such laws as to them should appear good and wholesome, for the good order, rule, and government of all the members, their apprentices, and servants, with power to levy reasonable penalties on those who neglected to observe them. Mr. Ironside moved in substance that these powers, having been repealed without the consent of the "porer sorte," they had to form themselves into trades' unions to protect themselves and their interests, even by illegal means if necessary; and that in order to prevent their having recourse to such illegal means in future the ancient powers should be restored to the artisans. The motion found a seconder, but it was all but unanimously negatived, and we do not wonder at it. The proposal was, in fact, the same which the workmen themselves have been pressing for a long time past. They have been seeking to secure ends of which the law disapproves by means which the law forbids; and it proposes to provide legal means for effecting the same ends, by returning to the old system of guilds, of exclusive privileges, and restricted freedom—a system which did good service in the middle ages, but which it is idle to talk about in the nineteenth century.

A MIDDLESEX GRAND JUROR writes an indignant letter to the *Times*, complaining of a failure of justice arising from what he calls the defective state of the law. The failure of justice of which he complained was that a man proved to have, by what he terms a most brutal assault, actually knocked out one of the prosecutor's eyes was only convicted of a common assault and sentenced to three months' imprisonment. This result, he went on to say, was owing to the defective state of the law, which allows counts for common assaults to be inserted in the same indictment with counts for feloniously wounding.

Now, what are the facts? The prisoner, it is true, was proved to have caused the loss of the prosecutor's eye, but, according to the statement of the foreman of the grand jury, it appeared from the medical testimony that the wound might have been the result of accident and not design, and the prisoner was a man of quiet disposition, never before mixed up in any similar affair, and very respectable for his class in life. Very probably the jury gave the prisoner the benefit of the doubt they must have entertained as to his having deliberately inflicted the wound on the prosecutor; at all events they found him guilty, not of a common assault, as the grand juror stated, but of unlawfully wounding, for which the judge (the prosecutor recommending him

to mercy) sentenced him to three months' imprisonment. Here is this notable failure of justice! Now for the defective state of the law. It is true it permits counts for feloniously wounding, for unlawfully wounding, and for common assaults, to be put into the same indictment. But this, instead of being calculated to embarrass the due administration of justice, has the very opposite effect, for it enables a jury to find a prisoner guilty on either of the counts, according to the evidence; whereas, if the jury had no alternative but to convict a prisoner on one count or acquit him altogether, they would often have to choose between acquitting a guilty man and convicting him of an offence of which he was innocent, and thus a failure of justice would really occur.

WE OFTEN HEAR of the grievances of soldiers, but seldom of their privileges. A case, however, which came before Mr. Dayman at the Hammersmith Police Court a week ago, illustrates one valuable privilege which soldiers enjoy, the privilege of deserting their families at will. It is reported that "Henry Barrett was brought up on a warrant, at the instance of Mr. Edmonds, the relieving officer of Kensington, for neglecting to maintain his wife, who was an inmate of the workhouse.

"The prisoner, on being asked to plead, said he belonged to the band of the 2nd Life Guards, and he claimed an exemption from the proceedings by the request of his commanding officer. He then referred the magistrate to the Mutiny Act.

"Mr. Edmonds informed the magistrate that the prisoner held a private engagement as one of the band at Highbury Barn.

"Mr. Dayman thought that would not matter if his engagement with the Crown exempted him from the liability of supporting his wife.

"The prisoner said he was an attested soldier, and liable at any moment to be called to join his regiment. He had leave of absence from his commanding officer.

"Mr. Edmonds asked the magistrate to adjourn the case to enable him to communicate with the War Office.

"Mr. Dayman refused, as the law was clear on the point, and discharged the prisoner."

This privilege of the soldier, or rather the right of her Majesty to the services of the soldier, was not always so carefully guarded. Until a few years ago the annual Mutiny Acts merely provided that "no person enlisted into her Majesty's service as a soldier shall be liable to be arrested or taken therefrom by reason of any warrant of any justice or other process for not supporting, or for leaving chargeable to any parish, any wife, or any child, legitimate or illegitimate." Accordingly, under that Act it was held, in *Reg.* v. *Ferrall*, 20 L. J. M. C. 39, that a soldier was liable to an indictment for disobeying an order of justices requiring him to pay money for the support of a bastard child; for this is a criminal proceeding, and soldiers were and are in general liable to criminal proceedings, and there was nothing in the words quoted to exempt him.

The Mutiny Acts for the last few years (probably in consequence of this case) are much more stringent in their provisions. They except (section 40) from the criminal charges upon which attested soldiers shall be amenable to process "the misdemeanour of refusing to comply with an order of justices for the payment of money." And it is enacted that no soldier "shall be liable by any process to appear before any justice or other authority, or to be taken out of her Majesty's service by any writ, summons, warrant, order, judgment, execution, or any process whatever issued by the authority of any court of law, or any magistrate, justice, or any other authority (*inter alia*) for not supporting, or for not having supported, or for leaving chargeable, &c., any relation or child which such soldiers might, if not in her Majesty's service, be compellable by law to relieve or maintain, or for neglecting to pay to the mother of any bastard child, &c., any sum to be paid in pursuance of an order in that behalf." "And all summonses, warrants, commitments, indictments, convictions, judgments, and sentences on account of any of the matters for which it is herein declared that a soldier is not liable to be taken out of her Majesty's service, shall be utterly illegal, and null and void."

These words, however clumsy, seem certainly wide enough to secure a soldier's exemption from any liability to support his "relations or children." It will be observed that the earlier Acts used the words "wife or child;" the present Act the words "relation or child." There can be little doubt that the word "relation" was inserted to cover the case of relations other than a wife or child, and that the case of a wife was not intended to be excluded. But why was the word "wife" omitted? Why was not the natural and obvious form used of "wife, child, or other relation," instead of the present absurd and inaccurate wording, which implies that a child is not a relation, and raises a doubt as to the case of a wife. This is just an example of the kind of slovenliness in drawing Acts of Parliament which is daily causing endless uncertainty, litigation, and expense, which for years past the profession has been crying out against, but which seems rather on the increase than the reverse.

THE CHAOTIC CONDITION of our law has been often and forcibly impressed upon the public; but a single example often produces more effect than many general statements, and we advise anyone who wishes to realise the true state of the matter to look at the Act lately passed "for further promoting the Revision of the Statute Law, by repealing certain Enactments which have ceased to be in force or have become unnecessary," 30 & 31 Vict. c. 59. That Act is only one of several passed for the same purpose, and the ground covered by it extends only from the 1st W. & M. to the 10th Geo. 3; yet the schedule of Acts or parts of Acts now swept away as useless fills more than a hundred *octavo* pages. Most lawyers know but too well by painful experience the state of the statute book; but laymen may well be amazed to see the kind of rubbish with which the carelessness of successive Parliaments has allowed it to become encumbered, and through which anyone must dig in order to get at the existing law. In that schedule will be found countless Acts passed for a limited time long since expired, or for purposes long since exhausted, dozens upon dozens of revenue Acts and other enactments of the like nature, some of them repealed in general terms, others practically superseded by subsequent Acts, and bushels of other waste paper of the like nature. Thus we find 3 W. & M. c. 1, "An Act for preserving two ships lading of bay salt taken as prize for the benefit of their Majestys' Navy;" 9 Wm. 3, c. 1, "An Act against corresponding with the late King James and his adherents;" c. 4, "An Act for continuing the Imprisonment of . . . . Counter and others for the late horrid conspiracy to assassinate his sacred Majesty" (William III); c. 31, "An Act for raising the militia for the year 1698;" c. 36, "An Act to stop the coinage of farthings and halfpence for one year;" 1 Anne stat. 2, c. 16, "An Act to oblige Edward Whitaker to account for such sums of public money as have been received by him;" 3 & 4 Anne, c. 12, "An Act for the preservation of white and other pine trees growing in her Majesty's colonies of New Hampshire, &c.;" 1 Geo. 1, c. 22, "An Act for enabling his Majesty to settle a revenue for Her Royal Highness the Princess in case she shall survive His Royal Highness the Prince of Wales;" 13 Geo. 1, c. 5, "An Act for importing salt from Europe into the province of Pennsylvania;" 2 Geo. 2, c. 27, "An Act to enable her Majesty to be Regent of this kingdom during his Majesty's absence, without taking the oaths;" 7 Geo. 2, c. 3, "An Act for naturalising his Highness the Prince of Orange;" 20 Geo. 2, c. 46, "An Act to prevent the return of rebels and traitors concerned in the late rebellion;" 3 Geo. 3, c. 20, "An Act for permitting the importation from Ireland of stale and dirty

butter, commonly called grease butter." It would be useless to multiply specimens; those we have given are taken quite at random, and will enable anyone to form a fair notion of the kind of stuff from which the statute book needed to be cleansed.

OUR READERS will remember that the month of July in the present year was marked in England by a peculiar prevalence of scandalous quarrels in court, sometimes between counsel and counsel, but more generally between judge and counsel. It now appears that this epidemic was not confined to England, but appeared at about the same time in very distant places. In another column will be found a report of proceedings in the Supreme Court of Hong Kong, which, in substance, are very like what took place more than once on the Northern Circuit this summer, allowing only for the effect of the climate of Hong Kong upon the judicial temper, and the fact that Chief Justices in the East are prone to play the Eastern despot a little. The quarrel between Chief Justice Smale and Mr. Pollard seems to have begun, as such quarrels generally do, by a piece of indiscreet interference on the part of the judge—an attempt on his part to control the discretion of counsel as to the conduct of his case. This interference is resented. Both sides display some heat of temper, especially the judge. The judge hastily sacrifices the interests of the suitors to his own ruffled pride by adjourning the case *sine die*. And at last he winds up the play by fining his antagonist twenty pounds for contempt of court. His Lordship's speech in pronouncing this sentence, and his catalogue of contempts are exquisitely droll. They are worthy of Martinus Scriblerus in his best vein. But these miserable exhibitions have a very serious side too; and it is lamentable to see them increasing in frequency.

In America such scenes, when they occur, show certain characteristics different from those either of England or Hong Kong. We read that during the recent Surratt trial, after the jury had left the court one day, Judge Fisher rose, and read the following:—"I have now a very unpleasant duty to discharge, but one which I cannot forego. On the second day of July last, during the progress of the trial of John H. Surratt for the murder of Abraham Lincoln, immediately after the Court had taken recess until the following morning, as the presiding justice was descending from the bench, Joseph H. Bradley, accosted him in a rude and insulting manner, charging the judge with having offered him (Mr. Bradley) a series of insults from the bench from the commencement of the trial. The judge disclaimed any intention whatever of passing any insult, and assured Mr. Bradley that he entertained for him no other feelings than those of respect. Mr. Bradley so far from accepting this explanation or disclaimer, thereupon threatened the judge with personal chastisement, as he understood him. No court can administer justice or live if its judges are to be threatened with personal violence on all occasions whenever the irascibility of counsel may be excited by an imaginary insult. The offence of Mr. Bradley is one which even his years will not palliate. It cannot be overlooked or go unpunished as a contempt of court. It is therefore ordered that his name be stricken from the roll of attorneys practising in this court.

Mr. Bradley immediately rose to his feet and asked if the Court had adjourned.

Judge Fisher.—It has not, sir.

Mr. Bradley.—Then, sir, in the presence of the Court and the assembly, I hereby pronounce the statement just made by the judge as utterly false in every particular.

Judge Fisher (interrupting).—Crier, adjourn the Court.

Mr. Mulloy, the crier.—This Court is now adjourned.

Mr. Bradley.—Well, then, I will say now——

Judge Fisher (rising to leave the bench).—You can say what you please, sir, and make a speech to the crowd, if you like.

Mr. Bradley.—You have no authority to dismiss me from the bar. That must be the act of three of the judges of the Supreme Court.

Judge Fisher said, "Very well, Mr. Bradley, you can make an appeal." He then left the room, followed by a large crowd of persons."

One of the incidents of this quarrel seems to have been a challenge, sent by the offending attorney to the judge. But we are told that, "It is not the purpose of Judge Fisher to take any notice whatever of the challenge sent to him, nor would he, it is stated, accept a challenge from any person. He intends, it is said, to continue in the path of duty without permitting his actions to be in the least influenced by the movements of Mr. Bradley."

As to the merits of this quarrel, we are not in a position to form any opinion. But the usual unfortunate effects seem to have followed from it, for we read that, "The order of Judge Fisher dismissing Mr. Bradley has created the most intense excitement among all classes. The police are preserving order. The members of the bar generally are bitter in their denunciations of the judge, and have called a meeting, to be held on Monday morning. They seem to make common cause against the judge, who they openly declare has disgraced himself by using his official power to resent a personal assault."

IN OUR LAST NUMBER we called attention to Lord St. Leonards' new Act for the establishment of councils of conciliation to settle disputes between masters and workmen. We are very glad to have learned since, from a paper read before the economic section of the British Association, by Mr. E. Renals, of Nottingham, that a voluntary organization very similar to those contemplated by the new Act, though of course without any of the legal powers which it confers, has been in existence for some seven years in Nottingham and the surrounding districts. And the paper we refer to leaves little doubt that the system has there worked well, and rendered much service both to employers and employed.

THE LAW OF COMPENSATION FOR "INJURIOUS AFFECTION" UNDER THE LANDS AND RAILWAYS CLAUSES CONSOLIDATION ACTS.

In a recent article we commented on *Rickett's case* (15 W. R. 937, and the present unsatisfactory state of the law of compensation for injurious affection, and we expressed our opinion that the intervention of the Legislature was called for. We propose now to offer a few remarks upon what ought to be the policy of the law in this matter, and upon the nature and extent of the alterations required.

An important question is involved—viz., in what degree is it justifiable to interfere with private property on the ground of public utility. Probably it will in the present day be generally conceded that upon a sufficient case of public utility being made out to the satisfaction of the Legislature, all interference with private property, necessary to carry out the object in view, may properly be sanctioned by the Legislature upon the terms of payment of adequate compensation for the injury done. It is a more doubtful question whether in any, and if in any, in what cases, such interference ought, without compensation being provided for, to be sanctioned, on the ground that the individual injury may be considered fairly compensated for by the public benefit, in which the individual has his share. We purposely use the somewhat vague term "interference," because we wish to include in it all such obstructions of public rights as affect private property.

It will be convenient to consider separately the various powers usually conferred on railway and other companies.

First in importance comes the power for compulsory acquisition of lands. For this ample compensation ought to be, and we think is now, provided.

The interpretations which have been given by judicial decisions to the statutes now in force have all tended to secure adequate compensation being given whenever any land is taken. Next come the acts of construction and user. Now a general power to do these acts is no doubt in terms conferred by Parliament, but whenever the acts are done on land purchased by the company, and do not constitute an actionable or indictable nuisance, no statutory power to do them is really required, except perhaps, as pointed out by Baron Bramwell in his judgment in *Brand* v. *The Hammersmith Railway*, 15 W. R. 437 to meet the objection of their being *ultra vires* of the, company. As to these acts, therefore, so far as they are done on land purchased by the company, it may be at once conceded that there ought to be no claim for compensation, where, although there is pecuniary damage, there would be no legal cause of complaint if the act were done on land of a private owner acquired without any peculiar power from Parliament.

For instance, in the case which has been supposed of the owner of a posting-house making a claim for loss of profit, such claim should clearly be disallowed, as an injury by competition in trade gives no legal cause of complaint. So where the cause of complaint is of the shutting out of an agreeable prospect. This any neighbouring proprietor might do, provided of course that he did not interfere with ancient lights. There seems no reason why payment of compensation for damage of this description to neighbours by acts done on the land, should be made a condition of granting the powers of compulsory purchase, and as no other statutory power is really required to do them, no conditions need be imposed, if it is found convenient to include by the use of general words such acts in the sanction which is given really for the purpose of legalizing other acts.

Let us take next the case of an actionable nuisance on land the property of the company being legalized by Act of Parliament. We need not now, in discussing the policy which ought to prevail in the law, advert to the doubt which has been thrown out by Baron Bramwell in his judgment above referred to, as to whether the cases were rightly decided in which it has been held that this is in certain cases done by the present statutes. We assume for our present purpose that the course taken by the Legislature is that which we think the right one —viz., to provide sufficient remedies by penalty or action for all improper or negligent use of the railway or other works, but to legalize all acts necessary for their proper use, whether they constitute an actionable nuisance or not. The question is, whether there should not be imposed the condition of paying compensation to the persons who would have had the cause of action for such nuisances. Now, where the nuisance is one affecting the value of property in the neighbourhood, we think it clear that this condition ought to be imposed. On this point the reasoning of Baron Bramwell is unanswerable. It is not justifiable to benefit the public at the expense of individuals. In the case of a railway or other mercantile undertaking the expense ought rather to be borne by the fares or tolls they pay. In any case of public improvement, such, for instance as the Thames embankment, of course the Legislature would in each case consider the particular circumstances, but the same body, whether the taxpayers of the whole nation, the ratepayers of any district, or otherwise, on whom the Legislature, in consideration of the benefit accruing to them, may think fit to impose the payment of the general expenses of the undertaking, should also pay, rateably and fairly, the expense of any compensation for nuisance to property, rather than the persons who may accidentally happen to be injured, not at all in proportion to the amount of benefit received. It is not fair for the promoters of an undertaking to say, because we are going to benefit the property of certain persons without being paid for it, therefore we ought to be allowed to damage that of others without paying them. Such very rough justice could only be justified by a necessity which does not here exist. Either the railway is worth making as a commercial speculation, without taking into account the benefit to property, in which case the argument for not paying compensation fails, or if the benefit to property turns the scale in favour of making the railway, it is for the owners who are to be benefitted to come forward, get the line made, and pay for the benefit which they so receive at the expense of others. We reserve for another week the manner in which compensation should be assessed, and the terms on which Parliamentary power to interfere with public rights should be granted.

So far then, assuming the decision of the Exchequer Chamber in *Brand* v. *The Hammersmith Railway*, 15 W. R. 437, correctly to explain the present law, we do not see that any alteration is required as to the right to have compensation in the case we have already considered. While, however, we regard the result of *Brand's case* as satisfactory, we retain the opinion we lately expressed that it is a case of judicial legislation rather than interpretation. As, however, in the case last noticed, of damage by the user of the works, there is some difficulty in assessing the compensation once for all, it might be well in the case of any enactment on the subject to define more clearly than can be said now to be done the right in this case. We cannot think the difficulty a serious one, as in our judgment the compensation should depend upon the depreciation in the saleable value of the property affected. Such considerations as the probable amount of the user of the works within the existing powers would, of course, be taken into consideration by a purchaser, and so would affect the saleable value, while if any additional powers were given, as for the extension of the line, and by that means for the increase of traffic, and consequent damage could be proved, additional compensation might afterwards be recoverable. It would be preferable, we think, to have the compensation thus assessed for probable injury, producing actual diminution of market value, than to allow actions to be brought from time to time for actual damage done. In calculating the depreciation in saleable value, we think account ought to be taken of the benefit, if any, to the property from the existence of the railway. This would prevent there being any claim where, on the whole, the property was improved.

We next come to the question on what terms Parliamentary power should be given to interfere either temporarily or permanently with public rights, especially with highways. Here, again, we assume that the Legislature will in each case provide that proper precautions are taken for the safety and convenience of the public, and that only such interference as is necessary will be legalised. First, suppose an indictable nuisance on land of the company as in the case of *The King* v. *Pease*. That was an indictment for a nuisance by the use of locomotive engines on the railway in close proximity to the highway as to frighten horses. It was, as we think, properly held that the indictment could not be maintained. An injury to one public means of communication was held compensated for by the establishment of another, the injury to the one being the necessary consequence of the existence of the other. Nor do we think that upon the happening of actual individual injury, as of an accident from the frightening of a horse, any action or claim for compensation ought to be maintained. The reasonable view is that upon the railway being made under proper sanction, the public right to highway is altered and must be enjoyed subject to the existence of the railway; so that in the case supposed there could be no infraction of the right as it existed at the time. The case is the same with regard to all permanent obstructions or alterations of the highway. Thenceforth the only right is the right to the altered highway, and it is very clear that it is perfectly justifiable for the Legislature, in order to carry out a public benefit to make this necessary alteration of the public right, and it is evidently impracticable to give any other compensation to the public than the establishment of as efficacious bridges, substituted

ways, gates, and watchers of level crossings, &c., as possible. At the same time it by no means follows that because for the future no complaint can be made by persons using the highway, therefore, persons whose property is injured by the alteration of the public right should not have compensation. The value of land is entirely dependent upon the use to which it can be put, and that again on its position relative to other lands and upon the means of communication. As land in the centre of London is, quite independently of any intrinsic difference in the soil, a very different thing from land in the Highlands of Scotland, so land fronting a good high-road or a main thoroughfare is a very different thing from land fronting a country lane or a blind alley. Surely it is a most reasonable thing to say that an alteration in the character of the highways in immediate communication with a man's property must necessarily alter its value. At all events when it is proved as a fact that the value is altered by it, the owner is affected in a very different way from the rest of the public, who are merely told that for the future when they wish to exercise their right they shall have no cause of complaint on account of the alteration of it. It seems to us just as inequitable to assume that this damage to land is fairly compensated for by the benefit of the existence of the railway or other works, as it would be to assume that the taking of an acre of land would be so compensated. We think therefore that the Legislature should make it a condition of giving power to alter highways that compensation should be paid for all damage to the value of property consequent upon the alteration. Here again the benefit, if any, to the land from the railway might be taken into account in favour of the company. The case of a temporary interference with the highways is really the same in principle as that of permanent ones. In the one case the damage done is the difference in the value of the property to sell before and after the alteration, not of course taking into account any effect of independent causes, in the other the damage is the difference caused by the temporary works in the value of the property to let during the time they are in progress. If the law was as we think it ought to be, Rickets would have got his compensation, not specifically for loss of profits, but for the diminution in the value of the occupation of the Pickled Egg during the twenty months, of which the loss of profits would be evidence. The jury or arbitrators would have, where it was necessary to assess four values—viz., the value of the property to sell at the commencement of the works, the same on their completion, the occupation value during the construction, and the same for the like period if no works had been going on. In arriving at these, of course they would not take into account the effect of causes other than the works which might have been in operation during the time. From these the amount of compensation in any case could be obtained by addition and subtraction, there being of course added such per-centage as might be thought proper for thus taking part of a man's property against his will.

THE LAW OF LIBEL.—III.

The next branch of the law of libel which we have to consider is that which relates to obscene libels. Obscene publications, like blasphemous publications, are indictable at common law; but in this case, as in the other, the definition of the offence at common law is very defective, nor have the statutes, which have supplied a better machinery for suppressing the offence, given any assistance in defining it. It will be convenient to consider the matter under the same three heads which we adopted in the former case, viz., form, substance, motive. As to the question of form, it is plain that to constitute an indictable offence an obscene publication may consist of anything written or printed, or of a picture or other permanent symbol capable of conveying ideas, though there is no case in which mere words have been held criminal on this ground. Accordingly an indecent exposure of the person was an offence at common law. As to the character of the matter published, all that can be said is that it must be obscene; and obscene means (according to the substance of the definitions given of it) something likely to give rise to lewd, impure, unchaste ideas in the minds of others. Now this definition has the obvious defect, that what excites impure ideas in one mind may have a very different effect upon another, and therefore what to one class of persons is an obscene publication is quite otherwise to another. Lord Lyndhurst, in his well-known speech upon the second reading of Lord Campbell's bill for preventing the sale of obscene books, &c., pointed out this defect of definition with his usual keen irony, and he illustrated his view by reference to some of Correggio's most famous pictures, and the works of the greatest poets, both ancient and modern. The real definition therefore ought to express that an obscene publication is one which, in the opinion, and according to the standard, of the jury before which the case happens to be tried, is likely to give rise to impure ideas in the minds of those to whom it is addressed.

The third and principal question arises as to the motive necessary to constitute the offence. Now it is manifest at once that there must exist some distinction between cases upon this ground. Medical books are necessarily full of pictures, which, if the works were not medical works, would be grossly indecent; in every art school the nude human figure is constantly exhibited for the pupils to paint from; yet no one would suggest that in either case an offence is committed. It would be easy to multiply examples of cases in which the purpose of a publication must be the test of criminality or innocence. But the difficulty of saying where the line is to be drawn, and what motives and objects are sufficient to excuse the publication of what would otherwise be indictable for obscenity, is very great.

The vast majority of cases of obscene publications which come before the Court are unfortunately cases in which the baseness of motive is open to as little doubt as the filthiness of the matter published, and therefore the authorities upon the question which we are now considering are extremely scanty. There are, however, some few authorities or expressions of opinion throwing light upon the matter. The only decided case in the superior courts affecting the question directly is *R.* v. *Curl*, in which the prisoner was convicted of publishing an indecent work, intitled "Venus in the Cloister." The reports are very scanty, but in Mr. Justice Fortescue's report of the case, Fort. 100, he [having been a member of the Court himself] says that he thought the result ought to have been otherwise, because he thought it right that the practices of priests and nuns ought to be exposed. But after all loose notes of this kind throw very little light upon the law.

In the year 1857, when Lord Campbell introduced his bill for the suppression of obscene publications, the law on this subject underwent much discussion on the part of the several law lords, and especially Lord Lyndhurst. The bill, as originally introduced, gave power under certain restrictions, to seize "obscene" publications. Lord Lyndhurst introduced several amendments to the bill, and especially two, to which he and others attached great importance. By the first the obscene matters to be seized must be such that their publication would be a misdemeanour. This is the expression of a very mature and deliberate opinion that there are cases in which writings, which are in themselves obscene, may be innocently published. The second qualification introduced provided that, to justify seizure not only must the things seized be obscene, and such that their publication would be a misdemeanour, but, further, the case must be a fit one for prosecution. It follows, therefore, that in the opinion of the law lords, there may be, in point of law, offences of this kind which never ought to be prosecuted; so that the mere absence of any corrupt desire to injure morals

does not at once exclude criminality. And so Lord Lyndhurst and Lord Wensleydale refer, as cases which would be criminal, to the publication in the present day of some of the works of Dryden and Rochester, or of Lucian, Catullus, or Juvenal.

Very lately the question has, for the first time, expressly arisen, what motives, if any, are sufficient to justify a publication in itself obscene. It is not necessary to state all the details of the case and the mode in which it arose; it is sufficient to say that Mr. J. J. Powell, Q.C., sitting as recorder of Wolverhampton, upon appeal from the justices of the borough, has had to determine whether the persons who have published or circulated a pamphlet entitled "The Confessional Unmasked" were guilty of a misdemeanour. The learned gentleman found as a fact that the work was obscene, and, no doubt, it is as filthy a book as ever was published. But he found further that the intention and motive of the publication was *bona fide* to expose opinions and practices which those who published it objected to, and to inculcate their own views. And upon these findings as to fact he held that no offence had been committed.

In this conclusion we think Mr. Powell was right, but we think he has gone too far in the mode in which he laid down the law. He lays it down that obscene books "may be published without criminal responsibility, provided the publisher can show that the occasions and circumstances under which he acted were such as were consistent with a virtuous and legal motive or intention." For the purpose of deciding the case before him it was quite unnecessary to go so far; and this language is quite inconsistent, as we have already pointed out, with the views deliberately expressed by Lord Lyndhurst and the other law lords in the House of Lords. We understand that this case is to be brought before one of the Superior Courts, and thus the law may be settled. In the meantime it cannot, in face of such a dearth of authority, be pretended that the law is clear. But it appears to us that all the authorities may be reconciled, and all the necessities and difficulties of the case met, and at the same time the analogy between this and the other branches of the law of libel be strictly maintained —by holding that every obscene publication is *prima facie* a misdemeanour, but that it is a defence to show that the matter in question was published solely with the *bona fide* view of enforcing the opinions of the accused, in short for purposes of education or controversy.

The last class of merely criminal libels are seditious libels, and they need not occupy us long. They are really of two quite distinct kinds. The first consists of personal attacks upon the sovereign herself or upon certain public officers. Such cases are closely analogous to libels upon any other individuals. As to the substance of what constitutes libel the rules are the same. The main difference between the two cases is that in these public cases, on public grounds, no evidence of the truth of the libel is ever allowed to be given.

The second class of seditious libels are those which, without distinctly libelling individuals, yet tend to promote disaffection and ill-will towards our Government and institutions. And as to this class it is clear law that nothing can be criminal as a seditious libel which is only the honest expression of opinion, however erroneous or however dangerous that opinion may be.

THE LEGISLATION OF THE YEAR.

30 & 31 Victoriæ, 1867.

Cap. XXVIII.—*An Act to amend "The Labouring Classes Dwellings Act, 1866."*

The object of this short Act is to place an enlarged interpretation upon the words "land or dwellings for the purposes of which the advance is made" as used in the fourth section of the Labouring Classes Dwelling Houses Act of last year; and, accordingly, they are to be construed to include "any lands, buildings, or premises held together with and for the same estate and interest as the lands, buildings, or premises upon which the money advanced is to be expended." Of course there can be no possible objection to this power to the Public Works Loan Commissioners to call for ample security for any moneys they may advance, and such will practically be the effect of this clause.

Section 2 enables the Commissioners to dispense with a mortgage of the unpaid capital of any company to whom they may make advances. As an enabling clause this may prove useful in promoting the objects of the Legislature, but we apprehend that some guarantee will probably in practice be required that the capital when called up shall only be expended with the Commissioners' sanction, otherwise it might be made the means of incurring fresh liabilities.

The 4th and last sections extend all the provisions of the Labouring Classes Dwellings Houses Act, 1866, to Scotland.

Cap. XXIX.—*An Act to amend the Law in respect of the Sale and Purchase of Shares in Joint-Stock Banking Companies.*

When the "bears" combined last year to break down the credit of one bank after another, their operations became so notorious as to excite public reprobation, and to attract the attention of Parliament. What they did was nothing new to Stock Exchange experience; and had they been content with a moderate amount of success they might have escaped detection. Fortunately perhaps for commercial credit, but none the less to the great disgrace of the persons concerned in "bearing" transactions, they went a little too far. The widespread ruin, the universal distrust, and the excessive litigation which resulted from their misdoings are too well known to need mention here. As an instalment of legislation for putting an end to what the committee of the Stock Exchange saw no reason to interfere with, this Act requires that all contracts for sale and purchase of stock or shares in joint-stock banks, transferable by deed or writing, shall be null and void unless they designate in writing the distinguishing numbers of such stock or shares, or, if there be no such numbers, then unless they set forth the name of the registered proprietor of such stock or shares. The Act does not extend to stock or shares in the Bank of England or Bank of Ireland.

It may be asked why, if this Act is good in the case of bank shares, it should not be equally applicable to shares in other companies. The only answer we have ever been able to obtain to this question is that the credit of other companies is not so dependent on the value of their shares as is that of banks.

Cap. XXXV.—*An Act to remove some defects in the administration of the criminal law.*

This Act will come into operation on the 1st of October, 1867. Its first object is to limit in certain cases the provisions of the Act 22 & 23 Vict. c. 17, with regard to vexatious indictments. The first section of that Act provides that no bill of indictment for perjury, subornation of perjury, conspiracy, obtaining money or other property under false pretences, keeping a gambling-house, keeping a disorderly house, or for indecent assault, shall be presented to or found by a grand jury, unless the person presenting the indictment has been bound over to prosecute, or the accused has been detained in custody or bound over to appear, or unless the indictment be preferred by the direction of a judge, or of the Attorney or Solicitor-General.

Section 1 of the present Act provides that the first section of the recited Act shall not prevent the finding of a bill containing a count for any of the said offences if the same may now be lawfully joined with the rest of such bill, and if the count be founded upon the facts disclosed by the evidence, nor shall anything in the recited Act prevent the finding of a bill if it be presented with the consent of the Court before which it is preferred.

Section 2 directs that whenever a bill of indictment is preferred against a person who has not been com-

mitted or bound over to appear to answer the indictment, and the accused shall be acquitted, the Court may order the prosecutor to pay the costs of the accused and of his witnesses. Many instances will suggest themselves to the minds of our readers in which this section would have proved of the utmost utility in arresting the institution of a frivolous or groundless charge, and no one will complain that power is given to award costs in such cases.

In order to give poor persons charged before justices with indictable offences an opportunity of calling witnesses, section 3 provides that the justice shall, after the usual statutory caution, ask the accused if he desires to call witnesses, and, if so, shall take the evidence of those witnesses in the usual way; and "all the laws now in force relating to the depositions of witnesses for the prosecution shall extend and be applicable to the depositions of witnesses hereby directed to be taken."

The 4th section provides that the provisions of the Act, 11 & 12 Vict. c. 42, relating to the enforcing the attendance of witnesses, and binding them over, and for giving the accused persons copies of the examination, shall have operation as part of this Act.

Some such provision as is contained in these two sections has long been required to afford accused persons who "are unable, by reason of their poverty, to call witnesses," an opportunity of bringing forward whatever evidence there may be in their favour. The object of all prosecutions is to ascertain the truth, and not to procure the condemnation of the accused, so that it is only just that he should have every chance which can be fairly given him of proving his innocence.

Sections 5—7 contain provision for payment of the expenses of witnesses for the defence, and for taking the deposition in presence of the accused of persons dangerously ill.

Section 8 extends to jurors the provision of the 24 & 25 Vict. c. 66, relieving witnesses in criminal proceedings, who refuse, from alleged conscientious motives, to take an oath. It is impossible to say why these provisions did not in the first instance apply to jurors as well as to witnesses; the oath of the one is quite as important as that of the other, and they appear to be rightly classed together.

The 9th section provides that where a prisoner shall be convicted of larceny or other offence which includes the stealing of property, and it shall appear that the prisoner had sold the stolen property, any money found upon the prisoner may be applied to repay to the innocent purchaser the money paid by him for the stolen article, upon its being restored to the owner.

RECENT DECISIONS.

COMMON LAW.

Borwick v. *The English Joint-Stock Bank*, 15 W. R., Ex. Ch., 877.

Considerable difficulty is often felt in determining how far a principal is liable for the fraud of his agent. This difficulty is to some extent owing to three or four decisions, of which the best known are *Cornfoot* v. *Fowke*, 6 M. & W. 358, and *Udell* v. *Atherton*, 7 H. & N. 172, which at first sight may seem to be authorities to show that a principal is not usually liable for a fraud committed by his agent in making a contract. It has been said that without moral fraud a person does not incur any liability. Of course it may well happen that a perfectly innocent principal may become a party to a contract fraudulently entered into by his agent, and it has sometimes been suggested that in such a case, inasmuch as there is no moral fraud on the part of the principal, he is in the same position as if the contract had been honestly made. There is, however, no authority to sustain so extreme a view, and the case of *Borwick* v. *The English Joint-Stock Bank* is a direct authority against such a proposition. In this case the defendants' manager, on the part of the defendants, guaranteed the plaintiff that if he would supply one Davies with a certain quantity of oats the defendants would, on receipt of the payment for the oats, honour Davies' cheque in favour of the plaintiff in priority to any other payment except to their own bank. In consequence of this guarantee the plaintiff duly supplied the oats to Davies, and the price of the oats was paid to the defendants, and a cheque was drawn on the defendants by Davies in favour of the plaintiff, but they refused to honour it on the ground that a debt of a larger amount than the sum received for the oats was due to them from Davies. At the time of giving the guarantee Davies was indebted, as the manager knew, to the bank in the sum of £12,000, but the manager did not inform the plaintiff of this. Practically, therefore, the gurantee of the defendants was absolutely worthless, as the debt due to them was much larger than the sum to be received for Davies on account of the oats. At the trial of the action brought by the plaintiff against the defendants for their refusal to honour the cheque and also for a fraudulent misrepresentation, Martin, B., ruled that there was no evidence to go to the jury of fraud on the part of the defendants in this transaction. A bill of exceptions was tendered to this ruling and the case was argued in the Exchequer Chamber. It was decided that there was some evidence on these facts from which a jury might infer fraud, and that therefore the matter should have been left to them. In giving this judgment the court most explicitly lay down that a principal is liable for the fraud of his agent committed in the ordinary course of the agents employment. They say "with respect to the question whether a principal is answerable for the acts of his agent in the course of his master's business and for the master's benefit, no sensible distinction can be drawn between the case of fraud and any other wrong as to which the general rule is that the master is answerable for the wrong of the servant committed in the course of his service and for his master's benefit. That is the principle that is acted on every day in running down cases and in cases holding that the owners of ships are liable for the act of the masters abroad in improperly selling a cargo." The court went on to say, after mentioning other classes of cases where this principle was always applied, that if the jury found that there was fraud on the part of the manager in giving the guarantee, it might be properly described in pleading as the fraud of the defendants themselves; for "if a man is answerable for the wrong of another, whether it be fraud or other wrong, it may be described in pleading as the wrong of the person who is sought to be made answerable in the action.

BANKRUPTCY ACT, 1861, S. 197—LANDLORD AND TENANT—DISTRESS.

Williams v. *Cadbury*, 15 W. R., C. P., 905.

This is another decision on the Bankruptcy Act, 1861, s. 197. The question in dispute was whether a landlord, whose tenant had executed a deed of assignment, valid under section 129 of the Bankruptcy Act, 1861, has a right to distrain for more than the amount of one year's rent. Section 192 of the Bankrupt Law Consolidation Act (12 & 13 Vict. c. 106) provided that no distress for rent, levied after an act of bankruptcy upon the goods of the bankrupt, should be available for more than one year's rent, but the landlord should be allowed to prove for the overplus of the rent that might be due and for which the distress was not available. Section 197 of the Bankruptcy Act, 1861, enacts in effect that after the registration of a deed, valid under section 192 of that Act, the debtor and all the other parties to the deed shall be in the same position between themselves, and, as towards third parties, as if the estate were being administered in bankruptcy. The defendants in *Williams* v. *Cadbury* were landlords of a debtor who executed a deed of assignment under section 192 of the Bankruptcy Act, 1861. They distrained for eighteen months' rent, and

this action was brought to try whether they had a right to do so; the plaintiffs contending that the defendants were only entitled to distrain for one year's rent in the same way as if the debtor had committed an act of bankruptcy. The Court gave judgment for the plaintiffs, holding that full effect could not be given to the words of section 197 of the Bankruptcy Act, 1861, without deciding that section 129 of the Bankruptcy Law Consolidation Act was incorporated therewith. After the registration, therefore, of a deed valid under section 192 of the Bankruptcy Act, 1861, a landlord cannot distrain for more than one year's rent. If the tenant owes rent for a longer period the landlord must prove as any other creditor for the amount of rent for which his distress is not available.

REVIEW.

The American Law Review.—No. IV. Boston: Little, Brown, & Co. July, 1867.

We have read the July number of the *American Law Review* with very great pleasure and interest. This is more ambitious in its design than most of the legal periodicals with which we are acquainted, and its design is well carried out. It gives not only a number of essays on various legal subjects, but also a full digest of English decisions, and of those of the Supreme Court of the United States, a selected digest of decisions in the several State Courts, a summary of events, in which all occurrences of interest to lawyers both in England and across the Atlantic are recorded, and a variety of other matter. The present number provides a very varied selection of articles. The first is an elaborate discussion on the subject of the liability of shipowners for loss of goods and other like wrongs, and the limitation of that liability by statute. The writer reviews the statutes and cases both English and American, and discusses with much learning and care the various undecided points connected with the subject. We have an article on rights of action of a bankrupt; and another on "Government Claims," in which the writer discusses that branch of law which determines the legal rights, whether arising *ex contractu* or otherwise, of individuals against the State, and the court of claims by which in America those rights are adjudicated upon. An essay or argument on seals discusses a very minute and rather curious question, viz., whether a deed may be validly sealed by making an impression upon the paper itself on which the instrument is written, or whether the impression must be upon wax, wafer, or other substance attached to the paper. The possibility of such a question arising and being the subject of serious discussion is curiously characteristic of our law.

Modern reforms in the common law system of pleading are also considered. The writer is decidedly conservative in his views on this matter, though no enemy of cautious reform. He strongly prefers the English method of retaining in substance the old system of pleading and only correcting its abuses and modifying it where found inconvenient, to the bolder plan of sweeping away artificial and technical rules of pleading altogether, which it appears has substantially been done in no less than twenty states of the Union, and notably in the state of New York. We are not inclined to quarrel with the writer's conclusion so far; but we think he has hardly supported it by the strongest arguments which the subject admits of.

The summary of events which concludes this number seems to us particularly well done, and contains much which is interesting to English readers, and which is not easily found elsewhere.

COURTS.

JUDGES' CHAMBERS.

(Before Lord Chief Justice Bovill.)

Sept. 10.—*Bruce* v. *Eyre.*—Mr. *Reece*, instructed by Messrs. Shaen & Roscoe, appeared in support of an adjourned application for leave to examine the plaintiff before a commissioner as a witness on his own behalf.

When the application was first made on Friday last it was stated that an order had been made, on the application of the defendant a few days ago, by Mr. Baron Bramwell, for the examination of Lieutenant Edenborough, who was about to leave England, and that the present application was similar. His lordship said there was a great difference between them. In that case the defendant was at liberty to say, "An action has been commenced against me, the cause of which I can only surmise, but whatever it be I wish to take the evidence of this witness for whatever it is worth." But here the plaintiff would have the advantage of knowing exactly what would be laid before the jury, while the defendant would not, and therefore could not have equal facility for cross-examining, and there were no particulars or declaration delivered in the action. At the request of Mr. Reece the summons was adjourned with a view of furnishing particulars to the defendant. The particulars had now been delivered, and Mr. Reece submitted that, on the authority of *Fisher* v. *Hahn*, 11 W. R. 342, he was entitled to have the application granted.

In support of the application affidavits by the plaintiff and his medical attendant were filed, stating that the plaintiff had been ill ever since his arrival in England in May last, and was still in a dangerous state of health, and that his long residence in the West Indies had rendered him unfit to live in England.

Rose, on behalf of the defendant, said that so far back as December, 1865, a writ in the Court of Exchequer was issued by the plaintiffs, that on the 15th of May last another writ in the Queen's Bench for the same cause of action was served; that Dr. Bruce had been in England from the service of the last writ up to the present time, and had not yet even delivered his declaration, but waited till the long vacation. This application was therefore too late.

His Lordship said that the plaintiff had been in England since May last, and had ample time to try his action at the last assizes, but instead of doing so he delayed taking any step until the present time. The application was too late, and he should dismiss the summons.

The summons was accordingly dismissed.

Phillips v. *Same.*—Mr. *Reece* made a similar application in this case, and stated that the writ had been issued only on last Saturday, and therefore no time could possibly have been lost in making this application.

Rose said it was true a writ had been issued in the Queen's Bench on Saturday last, but a former one in the Exchequer was issued in the same suit in December last, and submitted that in this case also the plaintiff had been remiss, and consequently the application should be refused.

His Lordship dismissed the summons.

GENERAL CORRESPONDENCE.

The Middlesex Registry of Deeds Office.

Sir,—To such of your readers as have any experience of our public offices, the revelations concerning the Middlesex Registry will cause very little surprise. It is a lamentable though undeniable fact that persons having business to do at many, if not most, of the public offices which requires the payment of fees, are left almost completely at the mercy of the officials as to the amount they pay; unless, indeed, like some of the "old stagers," whom the clerks at the Middlesex Registry Office could not, according to the account of one of them, induce to pay more than the legal charge, they happen to know the precise amount which the law provides shall be paid. Is it saying too much to express a suspicion that officials in other departments may possibly be not more scrupulous as to the mode of ensuring a "happy and prosperous state of the office," than those connected with the establishment referred to have declared themselves. It will be said it cannot be helped if people are so ignorant as to allow themselves to be imposed on. I say it can and ought to be helped. There are many cases where people who are very well informed are, and cannot help being, ignorant of the amount of fees to be paid at public offices, because the source of information on the subject is out of their reach and knowledge. But how can the matter be helped? Simply by a stringent enactment that in every public office where fees are payable, a schedule of such fees printed in a clear type, shall be exhibited in some prominent part of such office, and in each apartment, if there be several in the office or department. One word more—Probably many of your readers are aware of individual instances in which money

has been improperly exacted at the Middlesex Registry Office. Why should they not suggest to clients and others to sue for its recovery. VERBUM SAP.

SEAGRAM *v.* KNIGHT—THE STATUTE OF LIMITATIONS.

Sir,—It is asserted in your remarks on the above case that it has caused much surprise in the profession. I fully agree with you. The great Homer sometimes nods, but this is something worse than nodding. It is, in what strikes me as a very reckless and hurried manner, changing an important doctrine of law long settled and acted upon. I say changing the law, for this decision is as irreversible as an Act of Parliament by any tribunal under that which pronounced it. What, then, are inferior tribunals to do? It is clear they cannot disregard this decision, though obviously in the the teeth of all authority. So that they will have to follow a decision which they believe to be bad! It is to be regretted that Lord Chelmsford did not follow the course usually adopted by judges under similar circumstances, viz., not to stop counsel when he argues against the view which the judge has already formed, but to hear him out. Indeed, I do not remember having read or heard before of a judge stopping counsel in his argument and then proceeding to deliver judgment against him. The only case in which a judge ordinarily stops counsel is where he is entirely with him. It does not make much difference that in this case the judge was partially in favour of the party in the suit whose counsel he stopped. There were interests at stake of much greater magnitude than those of the parties; and had the Lord Chancellor followed the usual practice he would probably have at least hesitated before pronouncing a decision which I fear will not increase his reputation as a lawyer. A BARRISTER.

APPOINTMENTS.

Mr. GEORGE BUTTLER KENNETT to be Clerk to the magistrates of the city of Norwich, vacant by the death of Mr. William Day.

Mr. GEORGE WHITMORE CHINERY, of Twickenham, to be a Perpetual Commissioner for Taking the Acknowledgments of Deeds by Married Women in and for the county of Middlesex and for the county of Surrey.

Mr. HENRY GEORGE GREEN, of Southampton, to be a Perpetual Commissioner for Taking the Acknowledgments of Deeds by Married Women in and for the county of the town of Southampton and for the county of Hants.

Mr. THOMAS LINLEY BICKERS, of Tadcaster, to be a Perpetual Commissioner for Taking the Acknowledgments of Deeds by Married Women in and for the West Riding of the county of York.

Mr. WILLIAM ISAAC BULL, of Oswestry, has been appointed a Perpetual Commissioner for Taking the Acknowledgments of Deeds executed by Married Women in and for the several counties of Salop, Denbigh, and Montgomery.

RETIREMENT OF NAPOLEON ALDRIDGE, ESQ., CHIEF CLERK OF THE QUEEN'S BENCH OFFICES, TEMPLE.—The profession will learn with regret that this esteemed and respected gentleman has resigned the office which he has filled, for nearly half a century, with so much satisfaction to the public and so much credit to himself. During the whole of this long period the entire business of the admission of attorneys has been in his hands, and, consequently, there are but few gentlemen now on the Rolls of the Court at whose legal baptism Mr. Aldridge has not assisted. He is well known to all London practitioners of common law for his ability and readiness to aid them in all matters of business; and his kindly face and manner will be long remembered by many.

He was one of the founders of the Law Clerks' Society, and that excellent institution owes much of its success to the energy and influence he bestowed upon it in its earlier years; and many clerks individually owe him debts of gratitude for situations procured for them by his recommendations to the principals and otherwise. We have said that the announcement of his retirement will be read with regret; that regret will be much increased by learning that he has been obliged to take this step on account of his declining health, in great part owing to unremitting assiduity in the discharge of his various and onerous duties.

IRELAND.

Mr. James Corry Lowry, has been appointed to the mastership of the Court of Exchequer. The salary attached to the office is £1,200 per annum.

COLONIAL TRIBUNALS & JURISPRUDENCE.

CHINA.

HONG KONG SUPREME COURT.

(Before the Hon. J. SMALE, Chief Justice.)

June 27.—*Olyphant and Others* v. *Loo A. Hung.*—Mr. Pollard, Q.C., appeared for the plaintiffs; and Mr. Whyte for the defendant.

Shortly after this case commenced, and while Mr. Whyte was cross-examining plaintiff's compradore, some reference was made to another Chinaman also in plaintiff's employ, and the Chief Justice said, "Put him in the box," when the following conversation ensued:—

The Chief Justice said that, as the man was a servant of the plaintiffs, they should produce him.

Mr. Pollard.—You cannot produce him like a piece of paper. Let him be subpœnaed in the usual way.

Chief Justice.—Do you mean, Mr. Pollard, to put them to the trouble and expense of subpœnaing him? Well, if you don't produce him, I will take that into account in my direction to the jury.

Mr. Pollard.—I will put only those witnesses in the box which I, as counsel for the plaintiff, may see fit. I may make a mistake, but I will not be dictated to or talked down by anyone as to what I am to do.

Chief Justice.—I am not talking you down, Mr. Pollard. You will do your duty and I will do mine.

Mr. Pollard.—That's all right, if we would only stick to it.

Chief Justice.—Now, Mr. Pollard, you will always have the last word; and I think it is most disrespectful to the Court to use language you are in the habit of using.

The Chief Justice then left the bench; but after an interval of a minute or two, returned.

Chief Justice.—Do you apologise, Mr. Pollard?

Mr. Pollard.—For what, my lord?

Chief Justice.—You know what has passed; you know what for.

After a good deal more of similar discussion to this, his lordship adjourned the Court indefinitely.

June 29.—The Chief Justice took his seat at ten minute past ten o'clock.

Chief Justice.—Has any gentleman anything to say in reference to Thursday.

There being no response, the Chief Justice continued—It is clear that every court of record has power to protect its dignity, the dignity not of the individuals who may at that time constitute the Court, but of the administration of justice, and for this purpose it is itself the sole judge of what is an insult to its dignity. This may appear harsh and unconstitutional, but it is *ex necessitate*. Having cited authorities he proceeded. It is painful, as was in effect said in a recent case, for a judge to be both jury and judge, giving a verdict and inflicting punishment in his own case It is most painful on the present occasion when the offender. is a Queen's Counsel; but I must act, and that verdict I shall give on Monday. So anxious am I, however, to do what is right, that I have made up my mind before hand, that I shall give the learned Queen's Counsel opportunity and every assistance in carrying the matter to the highest tribunal, and appealing to the Privy Council. The Court was reduced to such a chaotic state, had been so habitually insulted, and addressed in a way so insulting, that I have no other resource. From the first step downwards, the case was one unprecedented in the annals of a court of justice. I have given the learned Queen's Counsel due notice.

Some discussion about the notice took place, which we omit.

After a short pause the Chief Justice asked—Have you anything to say Mr. Pollard?

Mr. Pollard.—Merely this, my lord, that I do not seek to be aggressive, but—

Chief Justice.—I hope you do not Mr. Pollard.

Mr. Pollard.—It is the bench I respect, and I have never done anything to take from the respect which, as a member of the bar, I, in common with every member of the bar,

am bound to have. As your lordship has chosen to make some remark about me, however, I wish it as publicly stated in court that I did nothing which in any way reflected upon the Court, nothing which could be properly called an insult. I think the Court ought first to be satisfied that an insult is meant.

Chief Justice.—Certainly not.

Mr. Pollard.—I have a right as a member of the bar to do everything in my power to forward my client's cause. If any one now in the court who was present on the last occasion says that I ought to apologise, I will do so. There were other members of the bar present. (Sitting down) I have my own idea of what is owing to myself as a member of the bar.

Chief Justice.—Stand while you address the Court, Mr. Pollard. I give you fair notice so that you may have the opportunity to say what you please now.

Mr. Pollard.—That is all I have to say.

July 2.—The Chief Justice entered the court shortly after 11 o'clock, and directed the registrar to call on Mr. Pollard to rise.

Mr. Pollard (rising).—I will ask your lordship with all respect—

The Chief Justice said Mr. Pollard could not be heard.

Mr. Pollard.—With all respect, my lord, I am here in obedience to you, and I come with great respect for the bench, but I wish to take objection to your lordship's power or jurisdiction to do anything to me to-day with regard to what I might have done at any other time. I object at this time in order to save technical rights, not only for my own interests, but because the present proceeding affects the interests of the bar.

The Chief Justice.—Mr. Pollard, I do not want your reasons; take your objection, and that will be sufficient.

A good deal of altercation ensued, and ultimately the Chief Justice read his decision, of which the following is an abstract:—

Mr. Pollard.—After several delays it now becomes my painful duty to deliver the decision of this Court on your conduct on Thursday, the 27th of June last. These delays have been interposed in order to give you time to reflect calmly on your conduct, and, by submission and apology, to render the exercise of the indisputable authority of the Court to punish for contempts towards it unnecessary. In expressing what appears to be my duty on the present occasion I shall in substance adopt the language of the Chief Justice Lord Tenterden, of Mr. Justice Bailey, of Mr. Justice Holroyd, of the Chief Justice Lord Winford in 1821, preferring to use language frequently since repeated, always with approbation, to any less forcible words of my own selection.

[His Lordship cited from the learned judges just named].

I can refer you to a case in which, there and then, for contempt of court, a barrister had his gown by order of the court pulled off his back. (Mr. Pollard smiled). This is very amusing, Mr. Pollard, but it is law.

Mr. Pollard (still smiling).—I know the case, my lord.

The Chief Justice.—Well, it is the law. It is more satisfactory, however, that I should go into a detail as well as I can, and so far as I deem necessary, of the circumstances as they occurred. In the case, then, of *Olyphant and Others* v. *Loo A. Hung*, you opened the case for the plaintiffs. Your first Chinese witness, the compradore of the plaintiffs, proved the signature by the defendant to a contract in English, and that he had translated the document to the defendant. In the course of that examination you persistently, though more than once stopped by me,—— I am astonished at your staring, Mr. Pollard.

Mr. Pollard.—It was a stare of astonishment, my lord.

The Chief Justice.—Stare on, Mr. Pollard; this is a subject for staring. You put leading questions to the compradore; I at length again objected to your persisting in putting such leading questions, saying to you, "Why, he is your own witness;" your answer to me was inferentially insisting that you had been right, "the interpreter is not." This answer offended propriety. Your answer was pointed and curt, and was apparently made to raise, and only to raise, a laugh against me. This was your first contempt of Court, on which I said nothing then. The case proceeded: Mr. Whyte cross-examined the compradore of your clients. So far as it went the evidence of plaintiff's compradore tended to sustain the defence. You, with unnecessary vehemence, insisted to me that this evidence could not be received. I decided to receive it, and your demeanour was, to say the least, disrespectful in consequence. It was extracted from your clients' compradore that when the compradore was absent a trusted coolie of the plaintiff's was present. Mr. Whyte, for defendant, asked where that coolie was. Thereupon I said to you that, as he was a servant of the plaintiffs, you should produce him in court. Thereupon you turned to me, and looking me steadfastly in the face, you said with a scornful expression of countenance, our eyes meeting, and in a discourteous and defiant manner, "He is not a piece of paper to be produced in Court. Let the defendant subpœna him in the usual way." On that I, considering that the defendant was a Chinaman, said to this effect, "Do you mean, Mr. Pollard, to put them to the expense and difficulty of finding and subpœnaing your own servant?" Upon this, you, with vehemence of tone and manner, said to me, "I will put only those witnesses into the box which I, as counsel for the plaintiffs, think fit. I will not be dictated to or talked down by anyone as to what I am to do." This was your second contempt of Court. Now, there at least should have been an end; but acting on your all but universal rule, you would and did reply to me, and you said, "That is all right, if we would only stick to it," in a tone and with a manner which inferred, and which must have been meant to infer, that I would not. Now this was your third contempt of Court. I left the bench. After an absence, which I now wish had been longer, I returned to the bench. On my return your manner was contemptuous towards me. Not noticing that, I asked whether you would apologise. Your curt notice of this was, "For what, my Lord?" You then went into wide generalities, that if you had offended no one was more willing to admit it and apologise. You then referred to my having asked you if you would produce a witness, on which I said that you had tauntingly told the Court a witness was not a piece of paper, as if I did not know a witness was not a piece of paper. Thereupon you said, admitting inferentially that you had said so, but still in a defiant manner, "Is it that you wish me to apologise for?" (The Chief Justice here paused a moment, and looking at Mr. Pollard, said, emphatically)—Mr. Pollard, your eyes are opened very wide—(laughter in court).

Mr. Pollard—And with good cause, my lord.

The Chief Justice proceeded.—I said yes, and that there were other matters requiring an apology, and you proceeded to address me in a manner and tone as offensive as before. I adjourned the Court. You then, still persevering in your defiant tone, protested against the adjournment as being entirely without precedent. I said I should adjourn the Court till Saturday (the Friday being a holiday), adding, "as we cannot get on in the present circumstances," and you still, as if you had not caused what happened, desired me take a note of your objection. You then said, "If I have done any wrong, there are certain steps which may be taken by the Court," and you requested me to take a note of your objection. I replied there were such steps, but that I would not then take them. You proceeded, and I had peremptorily to say, Silence, Sir. I added, "The Court is adjourned." Still you persisted in renewing your unseemly language to the Court, addressing me after I had requested you to be silent; and after I had adjourned the Court one of your observations was, "I always answer when I am attacked and not without." Your speaking at all was an indecorum. What you said was a contempt in imputing to the Court that it had attacked you, which was the converse of what had occurred. I consider this your fourth contempt. On Saturday another case came on in which you again appeared as counsel. I, having previously directed the Acting Registrar to communicate with you my intention to give a decision unless you previously apologised, asked if any gentleman had anything to say in reference to Thursday. You were present, looking very indignantly at me, but said nothing. I then shortly referred to and cited the leading cases shewing that *ex necessitate* I was *bound* to punish an insult to the Court, and advised consideration of those cases to persons interested in the matter. Having obtained leave to address me you began thus, "Merely this, my lord; I don't seek to be aggressive." This language, under the circumstances of your being before me as charged with contempt, was contempt, and I designate it your fifth contempt. You proceeded, "It is the Bench I respect." This was said in a tone which clearly

inferred, and was meant to infer, that it was the Bench, as distinguished from its occupant, that you, a Queen's Counsel, had such respect for as you professed to have. This was a contempt, according to the highest authority, of a very grave character. This was your sixth contempt. I now proceed to pronounce my decision as, *ex necessitate rei*, the only judge of fact and law. I pronounce you guilty of grave contempts; and as from equal necessity this is the only tribunal that can award the punishment, I now fine you in the sum of 200 dols., and, further, I suspend you from practising before this Court as a barrister and advocate for a period of fourteen days, or until the fine shall be sooner paid.

SOCIETIES AND INSTITUTIONS.

ARTICLED CLERKS' SOCIETY.

CODIFICATION—No. II.

A lecture delivered before the Articled Clerks' Society, by E. CHARLES, Esq., LL.B., of Lincoln's-inn, Barrister-at-Law, some time lecturer on Equity at the Incorporated Law Society.

(*Continued from p.* 1010.)

I have said that I think that a code (properly so-called) although it *need* not embrace more than the systematic re-expression of existing law may and ought to go further.

We often meet with cases in which a judge, following some previous decision, does so under the force of precedent, stating however, at the same time, his belief in its injustice. In such cases the judge commonly defends his conduct upon the ground that his duty is to expound and not to make the law; and this defence, it must be admitted, is sound. It should, I think, be an object of a code to settle the difficulties arising from conflicting decisions, and to sweep away all such decisions as are contrary to the general spirit of the time.

The mode in which the New York Commissioners dealt with a judicial decision, which does not appear to be reasonable, is shown by a reference to one of the provisions in the code as to bills of exchange. It is provided (section 1793) that the acceptance of a bill of exchange, if written upon the bill, admits it to be genuine, and binding on the drawer. The commissioners justify this rule in a note appended to the section as being authorised by two cases—*Sanderson* v. *Coltman*, 4 M. & G. 209, and *Goddard* v. *Merchants' Bank*, 4 N. Y. 149, and they add, "In *Bank of Commerce* v. *Union Bank*, 3 N. Y. 230, it was held that nothing but the bare signature of the drawer was admitted by an acceptance, and that if the body of the bill were forged the acceptance was not binding. But the commissioners are of opinion that this particular exception is not founded in reason. A drawer is allowed time to satisfy himself of the genuineness of the whole instrument, and his decision ought to be conclusive upon him." A code ought not then, I think, to stop short of what is generally termed the sphere of "legislation." A writer on this subject (Mr. Vaughan Hawkins) speaks of codification as distinct from "legislation," and as being merely confined to the "re-expression of English law." But if a code is to extend so as to amend or alter the existing law, or to provide for possible future cases (all which functions I conceive are properly included under the term), a code does, in point of fact, amount to legislation. To codify at all is in truth to legislate. It is to lay down, with the authority of the State, certain principles of law which are to be observed without doubt or question—which are to be deemed as substitutional for the previous law, whether recorded in statute or in judicial decision, or in professional opinion. A code is nothing without the *imprimatur* of the Legislature. In other words, codification is in every sense of the word legislation.

The commissioners who were appointed to prepare the New York Civil Code were powerfully impressed with this view, and they did not hesitate to act upon it. Thus, in their first report they defined the work upon which they were engaged as affording an opportunity for settling by legislative enactment many disputed questions which the Courts had never been able to settle. They forcibly add "The making of a code involves a general revision of the law. It is indeed in this way alone that such a revision seems practicable. The occasion is therefore afforded to look at the law of the land, as a whole, to lop off its excrescences, reconcile its contradictions, and make it uniform and harmonious."

It is certainly a circumstance not to be lost sight of that in every modern code worthy of the name the amendment of the existing law has been considered an important element, and that it has not been thought wise to confine the code to a mere *reexpression* of existing law. I have already referred to the New York Civil Code (which, however, I should observe, to prevent misunderstanding, although prepared and completed, has not yet received Legislative sanction). In the Code Napoleon the same course was pursued. So in preparing the Code of Lower Canada, which last year was promulgated by authority, the commissioners were instructed that the ultimate object of their work was "a substantial *improvement* in the law, as well as a more compendious arrangement of what previously existed," and they received special directions to keep the suggestions of amendments separate from the reexpression of the existing law.

The Indian Law Commissioners have, however, used this sort of power on the grandest scale—for, although proceeding on the basis of English law, they nevertheless have not hesitated to disregard numerous leading principles of that law. For example, in their first report on the subject of succession and inheritance, they swept away all distinction between real and personal property, and in the second report (which has been printed but has not yet been passed into law) which deals with contracts in general, by introducing the most striking innovations. Thus they do not think it necessary to place married women under any disability to contract; they disregard the provisions of the Statute of Frauds, which require all contracts to be in writing, observing with truth, "that those provisions are not of unquestionable expediency in England"—they extend the condition as to the valid sale of chattels in *market overt* to all sales of chattels when the buyer acts in good faith, and under circumstances which are not such as to raise a reasonable presumption that the person in possession has no right to sell them. On the other hand they purpose to introduce into the Indian Code certain rules derived from foreign codes. Thus, adopting a rule which is found in the German and Indian Codes of Commerce, they propose that every person introduced as a partner into a preexisting firm, shall be subject to all the obligations incurred by the firm when he was introduced. It would not be easy to say why, in framing a code of law for England, many, if not all, of the innovations just referred to might not be adopted with the most beneficial results.

I have, I trust, said enough now to show that the work done by a mere *digest* of the existing law would be incomplete. It would leave vexed questions as open to doubt as before. That such would be its operation is indeed boldly averred by its advocates. Mr. Reilly says, "A *digest* to be faithful and exhaustive, must often state questions as unsettled and leave them so. In some way it must continue the record of the dissents or dubitations of learned members of the courts by which cases have been decided. In some way it must indicate the judicial or professional doubts that affect the authority of decisions not absolutely overruled." I believe this to be a true description of a *digest*. If it go further and attempt *definition*, or if the summaries of legal decision which it contains are required to be approved by Parliament, as Sir James Wilde has suggested, its nature is changed. It passes into a code—of an insufficient character it is true—but nevertheless a code. Sir James Wilde speaks, it may be thought with some little ambiguity of expression, when in comparing the labour performed by the editor of Smith's Leading Cases, with what might be done in a digest, he looks forward to a similar attempt on a much larger scale, to be finally confirmed by Parliament. If the result of the work of the *digesters* be to "yield up short and succinct propositions of law," and if these propositions are to be confirmed by Parliament, we have arrived at codification in one of its principal features. The attempt, however, to summarize the existing law, and to preserve a record of conflicting decisions in a digest, furnishes, I think, the most conclusive objection to the scheme, because it leaves the vast field of reports and authoritative treatises still open to reference as justifying or explaining and controlling the propositions of law, as stated in the digest. We should have made no step towards the abolition of the thousands of volumes of reports to which reference has been made. To render any collection of succinct propositions of law practically useful, it is essential that the propositions should be considered absolutely authoritative and binding, and that no liberty whatever should be given to go behind them and refer to the decisions or writings which may have

given rise to them. A want of firmness in this respect made the Code Napoleon far less useful than it might have been. Expositions of the code were allowed to be prepared and cited. One of these commentaries extends to thirty-one volumes, another to fifty volumes. Some of the commentators overcharged the text with notes and comparisons, others compiled on each article the old law and modern decision. On seeing the first commentary upon the code Napoleon is reported to have said, "My code is lost." But the vice of the commentaries, which after all was a subsequent growth, was small compared with another defect which was radically implanted in the French system at the time when the code was originally promulgated. As soon as the project of the commissioners, who had been appointed by Napoleon to preface the code, was complete, it was sent to the Courts of Appeal for the observations of the judges, and then, with the assistance of those observations, the whole code was discussed in the Conseil d'Etat and at the Tribunate, after which the different titles of the codes were presented to the legislative body and passed into law. And then the reports of the discussions before the Tribunate were also published to serve as a commentary to explain the intent of the articles of the code. In other words a latitude of reference was allowed to the authorities upon which the framers of the code had proceeded. Yet a system of this kind would be inseparable from the scheme of a digest.

The commissioners who were intrusted with the preparation of the new Civil Code for India, felt this difficulty very keenly, and although they make use very freely of illustrations of the principles of law which are laid down, these illustrations are not referred to as being actual cases which have arisen and been determined, so that it will not be possible for the practitioner or the judge to test the truth of the definition or principle by a reference to a decided case. The illustrations are designed to "exhibit the law in full action, and show what its effects will be on the events in common life. The Indian Code is at once a statute book and a collection of decided cases. The decided cases in the code, however, differ from the decided cases in the English law books in two most important points. In the first place, the illustrations are never intended to supply any omission in the written law, nor do they ever put a strain on the written law. They are merely instances of the practical application of the written law to the affairs of mankind. Secondly, they are cases decided, not by the judges, but by the Legislature, by those who make the law, and who must know more certainly than any judge can know what the law is which they mean to make. It follows that, in the Indian code, the correctness of the decision contained in any illustration is not to be questioned in the administration of the law. The illustrations are not merely examples of the law in operation, but are the law itself, showing by examples what it is."

It might be thought that the reference to decided cases, made in the draft New York Code, and those appended to the code of Lower Canada, actually introduces the difficulty to which I am now adverting, by inviting the practitioner or the judge to test the accuracy of the definition or proposition of law by reference to the reports. But in point of fact these references are only made for convenience of reference in bringing together the law in a codified form, and forms no part of the Code as enacted. In the case of the Canadian Code the commissioners were directed, in embodying the provisions of law which they held to be in actual force, to give the authorities on which they believed them to be so, but by the act of legislation confirming the code as complete it is provided that the marginal notes and the references to existing law or authorities at the foot of the codes should form no part thereof, and should be held to have been inserted for convenience of reference only, and may be omitted. In the case of the New York Civil Code, which is as yet unsanctioned bythe Legislature, it has been stated that the same course will be pursued, and that the references to decided cases and reports will be omitted when the code receives the sanction of the Legislature.

(To be continued.)

OBITUARY.

DR. CLARKE.

We have to announce the death of William Henry Clarke, Esq., LL.D., Recorder of Rangoon, which took place in the Mediterranean on the 21st of August, on board the steamer *Surat*, while voyaging from Alexandria to Malta. Dr. Clarke was classical master in the Colombo Academy, in Ceylon, from March, 1844, to October, 1845; and was appointed Commissioner of Requests and Police Magistrate of Bentotte, in that colony, in 1846. In 1853 he was nominated Acting District Judge, Commissioner of Requests, and Police Magistrate of Kumegalle, and became District Judge, &c., of Badulla in 1859. Soon afterwards he visited Europe, and was called to the bar at Gray's-inn in June, 1861, shortly after which he received the appointment of Recorder of Rangoon, in British Burmah, an office created about that period. Dr. Clarke was on his way to England, on sick leave, at the time of his death.

PUBLIC COMPANIES.

ENGLISH FUNDS AND RAILWAY STOCK.

LAST QUOTATION, Sept. 12, 1867.

[From the Official List of the actual business transacted.]

GOVERNMENT FUNDS.

3 per Cent. Consols, 94⅝
Ditto for Account, Oct. 8, 94⅛
3 per Cent. Reduced, 93 x d
New 3 per Cent., 93 x d
Do. 3½ per Cent., Jan. '94
Do. 2½ per Cent., Jan. '94
Do. 5 per Cent., Jan. '73
Annuities, Jan. '80 —
Annuities, April, '85
Do. (Red Sea T.) Aug. 1908
Ex Bills, £1000, 4 per Ct. 30 pm
Ditto, £500, Do pm
Ditto, £100 & £200, — pm
Bank of England Stock, 5½ per Ct. (last half-year) 248
Ditto for Account, 246

INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. '74, 222
Ditto for Account
Ditto 5 per Cent., July, '80 113½
Ditto for Account, —
Ditto 4 per Cent., Oct. '88, 99½
Ditto, ditto, Certificates, —
Ditto Enfaced Ppr., 4 per Cent. 87⅝
Ind. Enf. Pr., 5 p C., Jan. '72, 104½
Ditto, 5½ per Cent., May, '79, 109½
Ditto Debentures, per Cent., April, '64 —
Do. Do., 5 per Cent., Aug. '73
Do. Bonds, 5 per Ct., £1000, 70 pm
Ditto, ditto, under £1000, 70 pm.

RAILWAY STOCK.

Shares.	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	81
Stock	Caledonian	100	110
Stock	Glasgow and South-Western	100	112
Stock	Great Eastern Ordinary Stock	100	31
Stock	Do., East Anglian Stock, No. 2	100	6
Stock	Great Northern	100	112
Stock	Do., A Stock*	100	120
Stock	Great Southern and Western of Ireland	100	97
Stock	Great Western—Original	100	48
Stock	Do., West Midland—Oxford	100	30
Stock	Do., do.—Newport	100	31
Stock	Lancashire and Yorkshire	100	127¼
Stock	London, Brighton, and South Coast	100	52
Stock	London, Chatham, and Dover	100	18⅛
Stock	London and North-Western	100	114½
Stock	London and South-Western	100	83
Stock	Manchester, Sheffield, and Lincoln	100	47½
Stock	Metropolitan	100	125½
Stock	Midland	100	120½
Stock	Do., Birmingham and Derby	100	89
Stock	North British	100	32
Stock	North London	100	115
10	Do., 1866	5	6¼
Stock	North Staffordshire	100	64
Stock	South Devon	100	45
Stock	South-Eastern	100	69
Stock	Taff Vale	100	145
10	Do., C	—	

* A receives no dividend until 6 per cent. has been paid to B.

INSURANCE COMPANIES.

No. of shares	Dividend per annum	Names.	Shares.	Paid.	Price per share.
			£	£ s. d.	£ s. d.
5000	5 pc & bs	Clerical, Med. & Gen. Life	100	10 0 0	20 7 6
4000	40 pc & bs	County	100	10 0 0	85 0 0
40000	5 pc & bs	Eagle	50	5 0 0	7 5 0
10000	71 2s 6d pc	Equity and Law	100	6 0 0	7 10 0
20000	71 2s 6d pc	English & Scot. Law Life	50	3 10 0	4 17 6
2700	5 per cent	Equitable Reversionary...	105	...	91 0 0
4600	5 per cent	Do. New	50	50 0 0	43 15 0
5000	5 & 3 p sh b	Gresham Life	20	5 0 0	
20000	5 per cent	Guardian	100	50 0 0	47 5 0
20000	5 per cent	Home & Col. Ass., Limtd.	50	5 0 0	0 15 0
7500	8½ per cent	Imperial Life	100	10 0 0	15 10 0
50000	6 per cent	Law Fire	100	2 10 0	4 2 6
10000	32½ pr cent	Law Life	100	10 0 0	89 10 0
100000	10 per cent	Law Union	10	0 10 0	0 16 6
20000	9s 6d pr sh	Legal & General Life ...	50	8 0 0	9 0 0
20000	5 per cent	London & Provincial Law	50	4 17 8	4 12 6
40000	10 pc & bs	North Brit. & Mercantile	50	6 5 0	15 10 0
2500	12½ & bns	Provident Life	100	10 0 0	38 0 0
689220	20 per cent	Royal Exchange... ...	Stock	All	302 0 0
—	6¼ per cent	Sun Fire	...	All	203 0 0
4000	...	Do. Life	...	All	63 0 0

MONEY MARKET AND CITY INTELLIGENCE.

Thursday Night.

The market for public securities has been marked by extreme dulness during the past week. Very little fluctuation in prices has been observable, and little business doing. The uncertainty about the Abyssinian news, followed by the confirmation of the most unfavourable view of the case, has had a depressing effect on prices; and the rise of prices in the corn market has acted in the same direction. Consols have been slightly firmer to-day, but with no demand.

In other classes of securities the same stagnation which has continued so long still prevails.

The bullion in the Bank of England goes on increasing steadily, while the demand for accommodation is as slack as ever, the rates remaining the same as last week.

A warm contest has taken place for a vacant seat in the directory of the Union Bank of London. Mr. Walker, who was supported by the Board, defeated Mr. W. S. Nottage by a small majority.

DEMOLITIONS FOR THE LAW COURTS.—The extraordinary network of courts, alleys, and lanes which has long been known as one of the most poverty-stricken and depraved parts of London, lying to the north of the Strand, between Temple Bar and Clement's Inn on the east and west, is being rapidly swept away—indeed, has already nearly disappeared. The ground taken by the authorities entrusted with the arrangement for the new law courts and offices includes nearly 30 lanes and passages. Amongst them is Clement's-lane, the south part of which, nearly up to King's College Hospital, is down. One of the houses demolished was remarkable as the scene of one of those royal intrigues and misdeeds which figure in the *Mémoires pour Servir* of Charles II. and his court. Upper and Middle Serle's-place, with Lower Serle's-place, formerly Shire-lane; Ship-yard, mentioned more than once in the chronicles of 17th and 18th century roysterings; Crown-court, a dilapidated passage, which contained the office of the erudite and eccentric polyglot printer, the late Richard Watts; and its uproarious neighbour, Newcastle-court, have for the most part been swept away, and in the course of another week not a vestige of them will remain. Old and New Boswell-courts, which take their names from the familiar friend of Dr. Johnson, have been sold by auction, and the fortunate purchasers of the bricks and mortar are under conditions to remove them without delay. The main frontages down, or to come down forthwith, are northwardly nearly the whole of the south side of Carey-street, and southwardly the north side of the Strand and Fleet-street, crossing Temple Bar. A good deal of the south frontage has yet to be cleared away, but in the course of a few weeks there will be an immense gap extending north and south from Carey-street to the Strand, and east and west from Bell-yard, near Chancery-lane, to Clement's Inn.

THE Grand Jury at the Manchester assizes made a presentment in which they referred to the increasing assize business of Lancashire, and expressed their concurrence in the statement of Mr. Justice Smith, that that county would form a heavy circuit in itself.

LAWYERS.—The *Allgemeine Zeitung* publishes some curious statistics respecting the number of lawyers in various European countries. It says that in England there is one lawyer for every 1,240 of the population; in France one for every 1,970, in Belgium one for every 2,700, and in Prussia one for every 12,000 only. Another curious fact is that in England the number of persons belonging to each of the different professions is nearly the same. Thus there are 34,970 lawyers, 35,483 clergymen, and 35,995 physicians. In Prussia, on the other hand, there are 4,809 physicians to only 1,362 lawyers.

THE BUSINESS OF ASSIZES.—The Recorder of Liverpool has drawn attention to the suggestions which have recently been made to transfer a portion of the jurisdiction of judges at assizes to quarter sessions. He expressed his opinion that nearly all criminal matters, with the exception of capital offences, might very properly be transferred, but said that before such an enlargement of jurisdiction took place, it would be well that the courts of quarter sessions, both in boroughs and counties, should be improved by assimilating them as much as possible. He suggested that this could be done in counties by giving the magistrates at quarter sessions legal assistance, and in boroughs by some of the magistrates sitting with the Recorder. He himself had felt the want of lay assistance very much, especially in appeal cases on matters of fact. He called attention to the subject, he said, for the purpose of asking all who took an interest in it, to reflect a little before legislation was taken, and to make suggestions as to how quarter sessions in counties and boroughs could be best fitted for such extended jurisdiction.

THE BAR AND THE WORKING MENS' SOCIETIES.—"Call" to the Bar does not free a man from the control of his professional brethren. On the contrary, the barrister is subject to a code of union rules more stringent than that which binds the student. He is ordered by a rule of the society not to take less than a guinea for any work he may do, though he is at liberty to get as much more as he can. This minimum is as closely fixed as any minimum wages established by any working man's trades' union; and the barrister who would render himself obnoxious by lowering the minimum would meet with so much discouragement from his fellows, that he would be an unusually bold man if he should persevere. It might not be in the power of the Bench to take away his gown, but practically he would be subject to so much annoyance and negative persecution, that he could scarcely carry on his business. It is also a rule of the union that no barrister shall take a brief from a client direct but only through the intervention of an attorney, a rule evidently made in the interest of an affiliated profession, and akin to that by which a mason is forbidden by his union to do the work of a bricklayer, and *vice versa*. So far as the employed are concerned, the rule must be as fair in the one case as in the other. A rule of the Bar society or union also forbids a barrister to appear with a brief at an assize town off his own circuit, unless he has what is called a special retainer; and another rule prescribes fifty guineas for a junior counsel, and three hundred guineas for a senior counsel, as the minimum amount of the special fee. A barrister, for example, on the Home Circuit, who may have friends and clients in Newcastle, and who may have advised on a case from the commencement, have drawn the pleadings, and nursed the whole thing up to the time of going to trial, is prevented by this rule of his society or union from attending the trial itself, unless he is paid a fee which is practically prohibitory, being generally nine or ten times larger than he would be willing to take were the cause tried on his own circuit, and four or five times larger than he would gladly accept if he were free to go wherever his client's business called him. If this rule be fair, then is also fair the trades' union rule which fixes a mimimum wage for a certain kind of work, and which forbids an artisan of one class to interfere with the artisan of another class, even though the former be capable of doing the work of all classes.—*From "Upper Class Trades Unions" in "Cassell's Magazine."*

ESTATE EXCHANGE REPORT.

AT THE MART.

Sept. 10.—By Messrs. HUBBARD & SON.

Freehold residence, known as Marl-house, Bexley, Kent, let on lease at £52 10s. per annum—Sold for £1,000.

AT THE GUILDHALL COFFEE HOUSE.

Sept. 9.—By Messrs. FENCE, COOK, & FENCE.

Copyhold estate, known as The Lamb-farm, situate in the parish of Chick St. Osyth, Essex, comprising house, buildings, and 87a 0r 24p of arable, meadow, and pasture land—Sold for £5,600.

Freehold estate, known as Cocket Wick-farm, situate as above, and comprising farmhouse, buildings and 481a 0r 1p of arable, meadow, and pasture land—Sold for £17,750.

Copyhold, 2 messuages and premises, situate in Mill-street, St. Osyth aforesaid, producing £26 per annum—Sold for £230.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BARDSWELL—On Sept. 8, at Highfield, Surbiton, the wife of Charles William Bardswell, Esq., Barrister-at-Law, of a son.

DUFFIELD—On Sept. 6, at Cottage-place, Chelmsford, the wife of W. W. Duffield, Esq., Solicitor, of a son.

GIBBS—On Aug. 8, at Bombay, the wife of the Hon. Mr. Justice Gibbs, of a son.

PRIDHAM—On Sept. 7, at Lansdowne-villa, Plymouth, the wife of Glinn Pridham, Esq., of a daughter.

STEAVENSON—On Sept. 9, at Highfield, Darlington, the wife of F. T. Steavenson, Esq., Solicitor, of a son.

MARRIAGES.

BARFIELD—MARTIN—On Sept. 7, at the Church of the Holy Trinity, Bayswater, Samuel Barfield, Esq., of Porchester-terrace and the Temple, to Isabel Charlotte, daughter of William Martin, Esq., of Cleveland-square, Hyde-park.

CLARENCE—GUNTER—On Aug. 29, at Burnham, Somerset, Lovell Burchett Clarence, Esq., Barrister-at-Law, of the Inner Temple, son of George Clarence, Esq., of Coaxdon, Axminster, to Blanche, daughter of the late John Gunter, Esq., of Cole-hill-house, Fulham, and Burnham.

NORRIS—WOODBURN—On Sept. 5, at Highbury Chapel, Bristol, John Freeman Norris, Esq., Barrister-at-Law, of the Inner Temple, to Annie Isabella, daughter of the late Major-General Woodburn, C.B.

TUCKER—STOCKDALE—On Sept. 4, at St. Mary's, Broadwindsor, Dorset, Andrew Tucker, Esq., Solicitor, of Charmouth, to Marianne, daughter of J. C. Stockdale, Esq., of Drimpton, Broadwindsor.

WARDEN—FENWICK—On Sept. 5, at the parish church Dawlish, Devon, George Lodwick Warden, Captain Bombay Staff Corps, to Jessy Mary Anne Fenwick, daughter of W. Fenwick, Esq., Barrister-at-Law.

DEATHS.

BURRELL—On Sept. 4, at Twickenham, aged 48, Edward Montague Burrell, Esq., Solicitor, 28 years clerk to Mr. Bock of Ironmongers'-hall.

CLARKE—On Aug. 21, on board the Surat steamer, between Suez and Malta, W. H. Clarke, Esq., LL.D., Recorder of Rangoon, British Burmah, son of the late Rev. W. Clarke, B.D., many years incumbent of St. John the Less, Chester.

HUNT—On Aug. 20, at his residence, No. 4, Springfield-road, Colney Hatch-park, William Hunt, Esq., Solicitor, late of Gray's-inn, aged 54.

SMITH—On Sept. 10, at Ness-house, Ealing, Middlesex, William Smith, Esq., aged 74, for many years a Solicitor of the Supreme Court of Calcutta.

LONDON GAZETTES.

Winding-up of Joint Stock Companies

TUESDAY, Sept. 10, 1867.

LIMITED IN CHANCERY.

Hodges Distillery Company (Limited).—Petition for winding up, presented Aug 20, directed to be heard before Vice-Chancellor Malins at the Angel Inn, Godalming, on Sept 19 at 11.30. Meyrick & Co, Storey's-gate, Westminster, solicitors for the petitioner.

Manchester Merchant Tailors Company (Limited).—Petition for winding up, presented Aug 28, directed to be heard before Vice-Chancellor Malins on the next day of petitions. Holcombe, Warwick-ct, Gray's-inn, solicitor for the petitioner.

Gellivara Company (Limited).—Creditors are required, on or before Oct 12, to send their names and addresses, and the particulars of their debts or claims, to the liquidators, at the offices, 2, Queen-st-pl, Southwark-bridge. W. & H. P. Sharp, solicitors to the petitioners.

Plas-yn-Mhowys Coal, Cannel, and Ironstone Company (Limited).—Creditors are required, on or before Oct 7, to send their names and addresses, and the particulars of their debts and claims, to John Ormiston, official liquidator, Wig Fair, St Asaph, Flint. Monday, Nov 4 at 12, is appointed for hearing and adjudicating upon the debts and claims.

COUNTY PALATINE OF LANCASTER.

Isle of Man Railway Company (Limited).—The Vice-Chancellor has fixed Friday, Sept 20 at 10, at the office of the District Registrar, 10, Trafford-chambers, South John-st, Lpool, as the time and place for the appointment of an official liquidator.

Friendly Societies Dissolved.

TUESDAY, Sept. 10, 1867.

Ashley Female Friendly Society, National Schoolroom, Ashley, Stafford. Sept 4.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Sept. 10, 1867.

Hawksford, Joseph, Bloomsbury, Warwick, Gent. Oct 1. Cottrell v Moxham, M. R.

Litchfield, John, Mansfield, Nottingham, Gent. Nov 6. Wragg v Litchfield, M. R.

Hall, Thos, Market Rasen, Lincoln, Gent. Oct 15. Danby v Danby, V. C. Malins.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Sept. 6, 1867.

Card, Thos, Inwood-pl, Kentish-town, Gent. Oct 11. Oliver, Old Jewry-chambers.

Clive, Mary Anne, Ryde, Isle of Wight. Nov 20. Pirch & Ingram, Lincoln's-inn-fields.

Davies, Temperance, Brighton, Widow. Nov 2. Rutter & Son, Aldermanbury.

Day, Chas Thos, Ottawa, North America, Farmer. Nov 30. Sprott, Mayfield.

Dickson, Mary Clarke, Denmark-pl, Camberwell, Spinster. Oct 10. Turner & Co, Red Lion-sq.

Gill, Hy, York, Gent. Sept 30. Cobb, York.

Heslop, John, Acomb, York, Yeoman. Oct 15. Phillips, York.

Hood, Thos, Stamford Bridge, York, Wine Merchant. Oct 13. L. & W. Thompson, York.

Lilburn, Caroline, Prince's-sq, Bayswater, Widow. Oct 15. Walker & Martineau, King's-rd, Gray's-inn.

Mason, John, Guildford, Surrey, Ironfounder. Nov 10. Curtis, Guildford.

Mitton, Michael, Pontefract, York, Gent. Sept 24. Sharp & Ullithorne.

Phipps, John, Highworth, Wilts, Timber Merchant. Oct 24. Kinneir & Tombs, Swindon.

Porter, John, Leicester, Boot Manufacturer. Oct 10. Latham & Paddison, Melton Mowbray.

Weale, Ann, Stoke, next Guildford, Surrey, Spinster. Nov 10. Curtis, Guildford.

TUESDAY, Sept. 10, 1867.

Atkinson, Thos, Murton, York, Farmer. Nov 1. Wood, York.

Barr, Wm, Wellington-rd, St Leonard's, Bromley, Gent. Oct 1. Barr, High-st, Shadwell.

Belcher, Richd, Goosey, Berks, Farmer. Oct 15. Jotcham, Wantage.

Butterworth, John, Manch, Calico Printer. Oct 18. Aston & Co, Manch.

Carter, Geo John, Upper Holloway, Builder. Nov 5. Carter, Upper Holloway.

Rook, Mary Ann, Fairfield, nr Lpool, Widow. Oct 1. Stone & Bartley, Lpool.

Gayland, Everitt Benj, Stoke-under-Hamber, Somerset, Esq. Oct 24. Nicholetts, South Petherton.

Selby, Geo, Alnwick, Northumberland, Commander R.N. Nov 1. Tate, Alnwick.

Selby, Prideaux John, Twizell House, Northumberland, Esq. Nov 1. Tate, Alnwick.

Wheeler, Sarah, Manch, Widow. Oct 5. Beever & Co, Manch.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Sept. 6, 1867.

Barker, Thos, Bishop Auckland, Durham, Innkeeper. Aug 13. Comp. Reg Sept 5.

Barringer, Wm Salmon, Edwards-st, Portman-sq. Aug 26. Asst. Reg Sept 4.

Bennett, Wm, Ampthill, Bedford, Commercial Traveller. Aug 19. Comp. Reg Sept 6.

Bradley, Edwd Gould, Berners-st, Gent. Aug 20. Comp. Reg Sept 6.

Brickland, Wm, Bethnal-green-rd, Timber Merchant. Aug 28. Comp. Reg Sept 6.

Brunner, Wm, & Saml Brunner, Manch, Merchants. Sept 2. Comp. Reg Sept 4.

Burt, Alfred, Gracechurch-st, Actuary. Aug 28. Comp. Reg Sept 4.

Carr, Robt Hy, Heywood, Lancaster, Yarn Agent. Aug 30. Asst. Reg Sept 6.

Chambers, Cooper, Sheffield, Draper. Aug 16. Comp. Reg Sept 4.

Corken, Wm, Bolton, Lancaster, Jeweller. Aug 23. Asst. Reg Sept 5.

Crux, Theodore, Maidenhead, Berks, Licensed Victualler. Aug 15. Comp. Reg Aug 31.

Davies, David, Maistey, Glamorgan. Aug 6. Comp. Reg Sept 4.

Dolman, Jas, Salisbury, Wilts, Builder. Aug 19. Asst. Reg Sept 3.

Douglas, John, Bishopsgate-st, Tailor. Sept 2. Comp. Reg Sept 4.

Foster, Edwd Phillipson, High-st, Peckham, Stationer. Sept 3. Comp. Reg Sept 5.

Grant, Robt, jun, Holloway-rd, Fancy Draper. Aug 12. Comp. Reg Sept 4.

Grzimish, Philip, Houndsditch, Jeweller. Aug 19. Comp. Reg Sept 6.

Holt, Chas, Goswell-rd, Clerkenwell, Oil and Colourman. Aug 15. Comp. Reg Sept 5.

Hore, Richd Wesley, Lymington, Hants, Shipowner. Sept 2. Comp. Reg Sept 6.

Innes, John, Romford, Essex, Draper. Aug 20. Asst. Reg Sept 5.

Jacques, Chas Martin, Lpool, Draper. Aug 26. Asst. Reg Sept 4.

Jones, Edwd Joseph, Wenlock-st, Box Manufacturer. Aug 27. Comp. Reg Sept 6.

Kettlewell, Fredk, Leeds, Cloth Merchant. Aug 22. Comp. Reg Sept 4.

Kidner, John, Gt Dunmow, Essex, Currier. Aug 8. Conv. Reg Sept 5.

Kisch, Simon Abraham, Bedford-sq, Solicitor. Aug 30. Comp. Reg Sept 3.

Langenshied, Carl Wm, High-st, Whitechapel, Publican. Aug 31. Comp. Reg Sept 3.

Lowndes, Wm, John Percy, & Rokeby Fryer, Manch, Wholesale Clothiers. Aug 6. Comp. Reg Sept 3.

Massey, Chas, & Wm Cobden Massey, Salisbury, Wilts, Tailors. Aug 21. Asst. Reg Sept 3.

Morris, Wm, Lpool, Flour Dealer. Aug 19. Comp. Reg Sept 4.

Nicholson, Jas, St Paul's Churchyard, Warehouseman. Aug 8 Asst. Reg Sept 4.

Nye, Geo, Maidstone, Kent, Cabinet Maker. Aug 22. Asst. Reg Sept 4.

Pell, Geo, Maidstone, Kent, Builder. Aug 24. Asst. Reg Sept 5.

Procter, Josephus Wilson, Kingston-upon-Hull, General Dealer. Aug 26. Asst. Reg Sept 4.

Procter, Walter Ernest, Terrace-rd, South Hackney, Cheesemonger Aug 29. Comp. Reg Sept 6.

Pryer, Alfred, Sevenoaks, Kent, Wheelwright. Aug 22. Comp. Reg Sept 5.

Rands, Joseph, Ventnor, Isle of Wight, Shoemaker. Aug 23. Asst. Reg Sept 4.

Raper, John, Bridlington, York, Grocer. Aug 27. Asst. Reg Sept 5.

Richens, Jas, Victoria-cottage, Hounslow, Market Gardener. Reg Sept 3.

Say, Edmond Hugh, York, Chemist. Aug 9. Asst. Reg Sept 5.

Schreiber, Felix August, Church-passage, Gresham-st, Merchant. Sept 3. Comp. Reg Sept 4.

Sheppard, Wm, Ware, Hertford, Miller. Aug 21. Comp. Reg Sept 5.

Sizer, Wm, Huddersfield, York, Mason. Aug 8. Asst. Reg Sept 3.

Sparks, Rev Geo Davis, Cardiff, Glamorgan. Aug 31. Comp. Reg Sept 3.

Storey, Thos Richd, & Thos Holland, Bond-ct, Walbrook, Engineers Aug 28. Comp. Reg Sept 6.

Strickland, Walter, Throgmorton-st, Wine Merchant. Aug 31. Comp. Reg Sept 4.

Sudlow, Saml Septimus, Overton, Chester, Comm Agent. Aug 7. Comp. Reg Sept 3.

Symonds, Joseph Hargrave, Edmonton, Miller. Aug 30. Comp. Reg Sept 5.

Taylor, John, Vauxhall, nr Newport, Salop, Butcher. Aug 17. Asst. Reg Sept 4.

Thompson, Anthony, Haydon Bridge, Northumberland, Grocer. Aug 30. Comp. Reg Sept 4.

Vyse, Augustus, Oxford-st, Milliner. Aug 9. Asst. Reg Sept 3.

Warburton, Geo, Withington, Lancaster, Merchant. Aug 27. Comp. Reg Sept 6.

Wells, Geo, Slough, Bucks, Gent. Aug 19. Comp. Reg Sept 4.

Whitfield, Robt, Fulwood, Lancaster, Farmer. Aug 8. Asst. Reg Sept 4.

Wiblin, Joseph, Oxford, Cabinet Maker. Sept 2. Comp. Reg Sept 6.

Windsor, Wm, Moorgate-st, Gent. Aug 21. Asst. Reg Sept 3.

TUESDAY, Sept. 10, 1867.

Allan, Thos, Adelphi-ter, Strand, Civil Engineer. Aug 26. Comp. Reg Sept 3.

Bennet, John, Jermyn-st, Mining Agent. Aug 23. Comp. Reg Sept 9.

Bennetto, Walter, Falmouth, Cornwall, Builder. Aug 14. Asst. Reg Sept 9.

Bolton, Geo Wm, Terling, Essex, Farmer. Aug 10. Asst. Reg Sept 7.

Briant, Edwin, Camden-grove, North Peckham, Oilman. Aug 24. Comp. Reg Sept 5.
Burke, Mary Anne, Westbourne-villas, Harrow-rd, Spinster. Sept 9. Comp. Reg Sept 10.
Carpenter, Jas, Southampton, Coach Builder. Aug 23. Comp. Reg Sept 9.
Carter, Edwd, Leeds, Provision Merchant. Aug 12. Comp. Reg Sept 7.
Castree, Geo Hy, Manch, Silk Manufacturer. Aug 17. Asst. Reg Sept 9.
Corby, Thos Joseph, Stratford, Essex, Builder. Aug 30. Comp. Reg Sept 10.
Cowham, Wm, East Ville, Lincoln, Boot Maker. Aug 28. Comp. Reg Sept 6.
Dean, Nicholas, Stockton, Durham, Builder. Aug 10. Asst. Reg Sept 7.
Denness, Jas, Torquay, Devon, Carman. Aug 27. Comp. Reg Sept 7.
Ellis, John, Addison-rd, Kensington, Architect. Sept 10. Comp. Reg Sept 10.
Feilding, Jas, Manch, out of business. Aug 31. Comp. Reg Sept 10.
Foxall, Francis Jerome, South Shields, Durham, Hammer Manufacturer. Aug 30. Asst. Reg Sept 9.
Garlick, Geo, Sheffield, Silver Plater. Sept 7. Comp. Reg Sept 10.
Gee, Thos, New Kent-rd, Straw Bonnet Manufacturer. Aug 15. Comp. Reg Sept 7.
Gosden, Geo, Freshwater, Isle of Wight, Builder. Sept 4. Comp. Reg Sept 9.
Griffith, Richd, Penmachno, Carnarvon, Potter. Aug 20. Asst. Reg Sept 7.
Griffiths, John, Tranmere, Chester, Licensed Victualler. Aug 23. Asst. Reg Sept 7.
Hamer, Alfred, Horsforth, York, Paper Manufacturer. Aug 24. Asst. Reg Sept 9.
Hands, Hy, Cheltenham, Gloucester, Grocer. Aug 2. Comp. Reg Sept 10.
Hawkins, Jas, Wye, Kent, Blacksmith. Aug 12. Asst. Reg Sept 9.
Hay, Geo, Elizabeth-st, Hackney-rd, Traveller. Aug 16. Comp. Reg Sept 6.
Henley, Louisa Mary, Torquay, Devon, Draper. Aug 13. Asst. Reg Sept 7.
Howse, Wm Hy, Aldgate High-st, Tobacconist. Aug 20. Asst. Reg Sept 9.
Jones, Geo, Birm, out of business. Sept 2. Comp. Reg Sept 6.
Kerr, Cochrane, Manch, Travelling Draper. Aug 13. Asst. Reg Sept 9.
Knapp, Jas, Manor-st, Clapham, Coach Builder. Sept 6. Comp. Reg Sept 9.
Lieberman, Moses, Aberdare, Glamorgan, Dealer in Jewellery. Sept 6. Comp. Reg Sept 9.
Low, Joseph, Cornwallis-rd, Upper Holloway, Builder. Sept 2. Comp. Reg Sept 7.
McCabe, John, Euston-rd, Marble Mason. Sept 3. Comp. Reg Sept 9.
Middleton, Joseph, Walkely, York, Stove Grate Fitter. Aug 22. Comp. Reg Sept 10.
Nuttall, John, Southport, Lancaster, Stonemason. Aug 26. Asst. Reg Sept 9.
Roe, Thos, York, Tobacconist. Aug 19. Comp. Reg Sept 9.
Skrimshire, Edmd Brown, Kingsland-rd, Draper. Aug 27. Comp. Reg Sept 7.
Solomon, Julien Davis, Punderson-house, Bethnal-green-rd, Merchant. Aug 14. Comp. Reg Sept 9.
Stead, Fras, Frith-st, Soho, Engraver. Aug 29. Comp. Reg Sept 7.
Stripp, Eliza Lambrick, Penzance, Cornwall, Confectioner. Aug 28. Conv. Reg Sept 7.
Tiffin, Spencer, Norton Folgate, Milliner. Sept 6. Comp. Reg Sept 9.
Vivian, Cyrus Abel, Thorne-rd, South Lambeth, Cab Proprietor. Sept 5. Comp. Reg Sept 10.
Walkinshaw, Hugh Scott, East Stonehouse, Devon, Draper. Aug 15. Asst. Reg Sept 10.
Watkins, Edwin, Bristol, Accountant. Sept 3. Asst. Reg Sept 9.
Young, Howell Gwynne, Swansea, Glamorgan, Saddler. Aug 15. Asst. Reg Sept 10.

Bankrupts.

FRIDAY, Sept. 6, 1867.

To Surrender in London.

Babister, John, Brook-st, Ratcliffe, Baker. Pet Sept 4. Sept 18 at 1. Dobie, Basinghall-st.
Barber, Geo, St Mary's-ter, Church-rd, Battersea, Grocer. Pet Sept 2. Sept 18 at 11. Drew & Co, Fore-st.
Bowen, Wm, Norwich, Plumber. Pet Sept 2. Sept 18 at 11. Storey, King's-rd, Bedford-row.
Chilcott, Wm, Green-st, Church-st, Blackfriars-rd, Licensed Victualler. Pet Sept 3. Roche. Sept 17 at 1. Pittman, Upper Stamford-st.
Coates, Anthony, Queen's-rd, Bayswater. Milliner. Pet Sept 2. Sept 18 at 12. Burn, Doctor's-commons.
Cocks, Sarah, Southsea, Lodging-house Keeper. Pet Sept 2. Sept 20 at 11. Wilkinson & Co, Bedford-st, Covent-garden.
Johnson, John, Epsom, Surrey, out of business. Pet Sept 2. Sept 18 at 12. Holmes, Fenchurch-st.
Larkin, Robt Monger, Prisoner for Debt, London. Pet Sept 2 (for pau). Brougham, Sept 20 at 11. Dobie, Basinghall-st.
Lulman, Alfd Wm, Hanover-st, Islington, Watchmaker. Pet Sept 3. Sept 16 at 12. Webb, Austin Friars.
Moggridge, Joseph, Augusta-ter, York-rd, King's-cross, Horse Slaughterer. Pet Aug 31. Roche. Sept 17 at 1. Hicks, Basinghall-st.
Moore, Fredk Wm, Lorrimore-st, Walworth, Licensed Victualler. Pet Sept 2. Sept 18 at 11. Linklaters & Co, Walbrook.
Oatley, Wm, Shakespeare-ter, Upper Holloway, Plumber. Pet Sept 2. Sept 18 at 11. Taylor, Church-row, Upper-st, Islington.
Powell, Wm, Fore-st, Limehouse, Licensed Victualler. Pet Sept 3. Sept 18 at 1. Dobie, Basinghall-st.
Reynolds, John, Paxton-yard, Knightsbridge, Riding Master. Pet Sept 4. Sept 18 at 1. Dubois, Church-passage, Gresham-st.
Ruskins, Wm, Lower Edmonton, Fruit Dealer. Pet Sept 2. Sept 18 at 12. Davis, Harp-lane.
Sala, Geo Augustus Hy, Sloane-st, Knightsbridge, Newspaper Correspondent. Pet Sept 2. Sept 18 at 11. Lewis & Lewis, Ely-pl.
Scott, Ebenezer Erskine, Lombard-st, Accountant. Pet Sept 3. Sept 18 at 1. Chidley, Old Jewry.
Shepherd, Hy, Old-st-rd, Timber Merchant. Pet Aug 31. Roche. Sept 17 at 11. Linklaters & Co, Walbrook.
Silcox, Hy Wm, Prisoner for Debt, London. Pet Aug 31 (for pau). Roche. Sept 17 at 1. Pittman, Guildhall-chambers, Basinghall-st.
Wenlock, Wm Thos, Brightlingsea, Essex, Shipwright. Pet Sept 2. Sept 18 at 11. Digby & Son, Lincoln's-inn-fields.

To Surrender in the Country.

Adams, Richd, Staplefield-common, Sussex, Carter. Pet Aug 31. Waugh. Cuckfield, Sept 16 at 11.15. Lamb, Brighton.
Andrews, Chas, Cheltenham, Gloucester, Builder. Pet Sept 2. Wilde. Bristol, Sept 18 at 11. Jessop, Cheltenham.
Andrews, Hy, Handsworth, Stafford, Licensed Victualler. Pet Aug 29. Tudor. Birm, Sept 20 at 12. James & Griffin, Birm.
Bentley, John, Halifax, York, Tea Dealer. Pet Sept 3. Dyson. Halifax, Sept 20 at 10. Storey, Halifax.
Cannon, Susanna, Louth, Lincoln, Licensed Victualler. Pet Sept 3. Leeds, Sept 25 at 12. Summers, Hull.
Capstick, Richd, Stainton, Cumberland, Grocer. Pet Sept 2. Varty. Penrith, Sept 18 at 10. Cant & Fairer, Penrith.
Cocks, Jas, Bristol, Mason. Pet Aug 31. Harley. Bristol, Oct 4 at 12. Clifton.
Coulson, Thos Arthur, Dewsbury, York, Draper. Pet Aug 28. Leeds, Sept 23 at 11. Bagshaw & Wigglesworth, Manch.
Crossland, John, Dalton, nr Huddersfield, Slay Maker. Pet Aug 13. Leeds, Sept 23 at 11. Clough, Huddersfield.
Cull, John, Holt, Dorset, Innkeeper. Pet Sept 3. Rawlins. Wimborne Minster, Sept 20 at 11. Tanner, Wimborne Minster.
Curtis, Chas, Fernham, Berks, Beerhouse Keeper. Pet Sept 3. Crowdy, Faringdon, Sept 26 at 2.30. Lovett & Son, Cricklade.
Dyke, Chas, Prisoner for Debt, Bristol. Adj Aug 28 (for pau). Harley. Bristol, Oct 4 at 12.
Eames, Thos, Ogley Hay, Stafford, Miner. Pet Sept 2. Birch. Lichfield, Sept 20 at 10. Wilson, Lichfield.
Eden, Wm, Toxteth-pk, Lpool. Pet Sept 4. Lpool, Sept 18 at 11. Bellringer, Lpool.
Edwards, Wm, Burnham, Essex, Coal Merchant. Pet Sept 3. Codd. Maldon. Sept 24 at 3. Freeman, Maldon.
Feaver, Joseph Longman, St George, Gloucester, Publican. Pet Aug 24. Wilde. Sept 14 at 11. Osborne & Co, Bristol.
Fell, Chas Tasker, New Whittington, Derby, Grocer. Pet Sept 4. Leeds, Sept 18 at 12. Cutts, Chesterfield.
Fletcher, Wm, Cinderhill, Sedgley, Stafford, Comm Agent. Pet Aug 28. Walker. Dudley, Sept 19 at 12. Barrow, Wolverhampton.
Hackett, John, Edge-hill, nr Lpool, Bookkeeper. Pet Sept 4. Lpool, Sept 16 at 11. Pemberton, Lpool.
Howard, Edwd, Lpool, Wine Merchant. Pet Sept 2. Lpool, Sept 20 at 11. Etty, Lpool.
Hughes, Geo Hy, Birm, Warehouse Clerk. Pet Sept 4. Tudor. Birm, Sept 28 at 12. James & Griffin, Birm.
Hush, Jas, South Shields, out of business. Pet Aug 31. Wawn. South Shields, Sept 14 at 12. Thomson, South Shields.
James, Morris, Hirwain, Brecknock, Labourer. Pet Sept 2. Rees. Aberdare, Sept 19 at 12. Rosser, Aberdare.
Kelsey, Wm Miles, Sunderland, Durham, Journeyman Grocer. Pet Aug 30. Gibson. Newcastle-upon-Tyne, Sept 18 at 11.30. Brignal, Durham.
Kimpton, John, Musley-hill, Hertford, Barge Skipper. Pet Sept 3. Spence. Hertford, Sept 19 at 11. Foster, Hertford.
Lawrinson, Hannah, Prisoner for Debt, Lancaster. Adj Aug 14. Kay. Manch, Oct 8 at 9.30. Law, Manch.
Layton, John Tilden, Gt Bridge, Stafford, Surgeon's Assistant. Pet Aug 23. Walker. Dudley, Sept 10 at 12. Fellowes, Tipton.
Llewllin, Llewllin, Prisoner for Debt, Bristol. Adj Aug 28 (for pau). Harley. Bristol, Oct 4 at 12.
Matthews, Wm, Lpool, Butcher. Pet Sept 3. Hime. Lpool, Sept 18 at 3. Thornley, Lpool.
Moyse, Chas, Fornham All Saints, Suffolk, Carpenter. Pet Sept 2. Collins. Bury St Edmund's, Sept 21 at 11. Walpole, Beyton.
Newsholme, Hy, Prisoner for Debt, York. Pet Aug 27. Bradford, York, Oct 1 at 9.45. Hutchinson, Bradford.
North, Geo, Prisoner for Debt, Durham. Adj Aug 14. Ingledew. Gateshead, Sept 16 at 11.
Onion, Wm, Birm, Trimming Manufacturer. Pet Sept 3. Tudor. Birm, Sept 20 at 12. Southall & Nelson, Birm.
Parsons, Geo, Alton, Hants, Boot Maker. Pet Sept 2. Clement. Alton, Sept 21 at 1. White, Dane's-inn, Strand.
Platt, Wm, Stalybridge, Lancaster, Schoolmaster. Pet Aug 29. Worthington. Ashton-under-Lyne, Sept 24 at 11. F. & T. Drinkwater, Ashton-under-Lyne.
Porritt, Geo, Hartoft, York, out of business. Pet Aug 31. Wilson. New Malton, Sept 17 at 11.
Rankin, Martin, Waterloo, Lancaster, Bookkeeper. Pet Sept 3. Lpool, Sept 18 at 11. Evans & Co, Lpool.
Rogers, Fras, Hailsham, Sussex, out of business. Pet Sept 3. Blaker. Lewes, Sept 19 at 11. Lamb, Brighton.
Scott, Wm, Lpool, Comm Agent. Pet Sept 4. Hime. Lpool, Sept 18 at 2.30. Grocott, Lpool.
Sloan, Saml, Carlisle, Painter. Pet Sept 3. Halton. Carlisle, Sep 19 at 11. Donald, Carlisle.
Sutton, Edwd, jun, Wolverhampton, Engineer. Pet Aug 31. Brown. Wolverhampton, Sept 20 at 12. Barrow, Wolverhampton.
Sutton, Wm, Yeovil, Somerset, Grocer. Pet Aug 22. Exeter, Sept 17 at 12. Hirtzel, Exeter.
Tagg, Geo, Bramley-hill, Derby, Silver Stamper. Pet Aug 14. Leeds, Sept 18 at 12. Unwin, Sheffield.
Titley, John, Burntwood, Stafford, Licensed Victualler. Pet Aug 30. Birch. Lichfield, Sept 13 at 10. Crabb, Rugeley.
Toser, Hy, Prisoner for Debt, Taunton. Adj Aug 14. Smith. Bath, Sept 18 at 11.

Wall, Geo, Wolverhampton, Stafford, Licensed Victualler. Pet Aug 27. Brown. Wolverhampton, Sept 30 at 12. Thurstans, Wolverhampton.

Warry, Eliel, Westbury-upon-Trym, Gloucester, Journeyman Smith. Pet Sept 2. Harley. Bristol, Oct 4 at 12. Buckland.

Winter, Joseph, Gateshead, Durham, Cabinet Maker. Pet Sept 2. Gibson. Newcastle-upon-Tyne, Sept 18 at 12. Bush, Newcastle-on-Tyne.

TUESDAY, Sept. 10, 1867.

To Surrender in London.

Bellott, Abraham, West-lane, Rotherhithe, Dealer in Paper Hangings. Pet Sept 5. Sept 20 at 12. Pittman, Guildhall-chambers, Basinghall-st.

Benjamin, Rosetta, Keppel-st, Russell-sq, out of business. Pet Sept 7. Sept 24 at 12. Pittman, Guildhall-chambers, Basinghall-st.

Bishop, Jas, Wells-ter, Camberwell. Pet Sept 3 (for pau). Brougham. Sept 20 at 11. Dobie, Basinghall-st.

Camroux, Murray Oliver, Wilton-pl, Sydenham, Gent. Pet Sept 4. Sept 20 at 11. Grout, Suffolk-lane.

Fenn, Jas Alex, Grove-ter, Upper Edmonton, General Agent. Pet Sept 6. Sept 20 at 1. Hope, Ely-pl.

Fisher, Chas Musto, Holly-rd, Twickenham, Carpenter. Pet Sept 5. Sept 20 at 12. Dobie, Basinghall-st.

Gifford, Michael, Whitechapel-rd. Pet Sept 5. Sept 20 at 12. Padmore, Westminster-bridge-rd.

James, Morris, Prisoner for Debt, London. Pet Sept 5. Sept 20 at 1. Lewis & Lewis, Ely-pl.

Mitchell, Wm, St Dunstan's-rd, Stepney, out of business. Pet Sept 5. Roche. Sept 20 at 12. Holmes, Fenchurch-st.

Pankhurst, Demetrius, John's-mews, Bedford-row, Cab Proprietor. Pet Sept 7. Sept 20 at 1. Earle, Bedford-row.

Robinson, Thos Holmes, George-st, Woolwich, Licensed Victualler. Pet Sept 5. Sept 20 at 12. Drew & Co, Fore-st.

Scoffern, John, Prisoner for Debt, London. Pet Sept 4 (for pau). Brougham. Sept 20 at 11. Dobie, Basinghall-st.

Smith, Wm Thos, Lavenham, Suffolk, Woolstapler. Pet Sept 5. Sept 20 at 12. Newman & Harper, Hadleigh.

Smith, Hy Clement, Clifton-gardens, Maida-hill, Ship Broker's Clerk. Pet Aug 6. Pepys. Sept 20 at 11. Cooper, Billiter-st.

Treuherz, Max, Little Cambridge-st, Hackney-rd, Boot Manufacturer. Pet Sept 7. Sept 20 at 1. Beard, Basinghall-st.

Tutt, Edwin, Chapel-pl, Turnham-green, Shoeing Smith's Assistant. Pet Sept 6. Sept 20 at 1. Pittman, Guildhall-chambers, Basinghall-st.

Webb, Thos, Alexandra-ter, Hackney, Carver. Pet Aug 7. Roche. Sept 20 at 1. Nichols & Clark, Cook's-ct, Lincoln's-inn.

Wells, Wm Hy, Park-rd, Teddington, Photographic Artist. Pet Sept 5. Sept 20 at 1. Goatley, Bow-st, Covent-garden.

Wiles, Chas Hy, & Wm Ebenezer Bull, Frindsbury, Kent, Brickmakers. Pet Sept 4. Sept 24 at 12. West & King, Charlotte-row.

To Surrender in the Country.

Barnes, John Rawstron, Lane Side, Haslingden, Lancaster, Mechanic. Pet Sept 22 (for pau). Dunn. Lancaster, Sept 20 at 12. Johnson & Tilly, Lancaster.

Bellman, Lewis, Lpool, Licensed Victualler. Pet Sept 5. Lpool, Sept 23 at 12. Anderson, Lpool.

Bould, Francis, Walsall, Stafford, out of business. Pet Sept 4. Walsall, Sept 28 at 12. Barnett & Co, Walsall.

Clay, Richd, Cromford, Derby, Chemist. Pet Sept 7. Tudor. Birm, Sept 24 at 11. Danko, Nottingham.

Cunliffe, Hy Owen, Prisoner for Debt, Lancaster. Adj Aug 14. Hulton. Salford, Sept 21 at 9.30.

Darlaston, John, jun, Ashton-juxta-Birm, Comm Agent. Pet Aug 29. Guest. Birm, Sept 20 at 10. Parry, Birm.

Dimmock, Benj, Lpool, Horse Dealer. Pet Aug 31 (for pau). Dunn. Lancaster, Sept 20 at 12. Johnson & Tilley, Lancaster.

Downend, Godfrey, Ashton-under-Lyne, Lancaster, Coachman. Pet Aug 5. Worthington. Ashton-under-Lyne, Sept 24 at 11. F. & T. Drinkwater, Ashton-under-Lyne.

Fetherstone, Hamlet, Manch, Woollen Merchant. Pet Aug 31. Dunn. Lancaster, Sept 20 at 12. Johnson & Tilly, Lancaster.

Galipoliti, L. Manch, Comm Agent. Pet Aug 24. Macrae. Manch, Sept 26 at 12. Sale & Co, Manch.

Gell, Eliz, Derby, Licensed Victualler. Pet Sept 3. Weller. Derby, Sept 24 at 12. Heath, Derby.

Green, John, Rawmarsh, York, out of business. Pet Sept 2. Hoyle. Rotherham, Sept 23 at 3. Chambers & Waterhouse, Sheffield.

Haybarst, Mary, Accrington, Lancaster, out of business. Pet Sept 2. (for pau). Dunn. Lancaster, Sept 20 at 12. Bell, Accrington.

Hicks, Edwd Chas, Huntingdon, Chester, Farmer. Pet Sept 7. Lpool, Sept 24 at 12. Churton. Chester.

Hudson, Jas, Heigham, Norwich, Potatoe Merchant. Pet Sept 4. Palmer. Norwich, Sept 18 at 11. Sadd, Norwich.

Maurice, Jas, Binstead, Isle of Wight, Market Gardener. Pet Sept 4. Blake. Newport, Sept 21 at 11. Joyce, Newport.

Phillips, Richd, St John-juxta-Swansea, Glamorgan, Licensed Victualler. Pet Aug 14. Morris. Swansea, Oct 9 at 2. Smith, Swansea.

Rigby, Joseph, Wednesbury, Stafford, Coach Axle Tree Maker. Pet Sept 3. Walsall, Sept 28 at 12. Sheldon, Wednesbury.

Robson, Robt Mounsey, Lpool, Ironmonger. Pet Sept 5. Lpool, Sept 23 at 11. Barker, Lpool.

Roditty, D, Manch, Comm Agent. Pet Aug 24. Macrae. Manch, Sept 26 at 12. Sale & Co, Manch.

Strachan, Edwd, Morpeth, Northumberland, Merchant Tailor. Pet Sept 4. Brumell. Morpeth, Oct 3 at 10. Wilkinson, Morpeth.

Stott, Jas, Rochdale, Lancaster, Machinist. Pet Sept 5. Murray. Manch, Sept 24 at 11. Elliott & Hampson, Manch.

Todd, Edwd, Wednesbury, Stafford, Fishmonger. Pet Sept 3. Walsall, Sept 28 at 12. Brevitt, Darlaston.

Todd, John, Annfieldplain, Durham, out of business. Pet Sept 24. Booth. Shortley Bridge, Sept 24 at 11. Barr, Newcastle.

Welch, Robt, Stockton-on-Tees, Durham, Brick Manufacturer. Pet Sept 6. Gibson. Newcastle-upon-Tyne, Oct 12. Newby & Co, Stockton.

White, Edwd, West Derby, nr Lpool, Comm Agent. Pet Sept 4. Hime. Lpool, Sept 20 at 3. Cobb, Lpool.

BANKRUPTCIES ANNULLED.

FRIDAY, Sept. 6, 1867.

Donchar, Saml Neill, Bristol, Cabinet Maker. Aug 28.
McBride, Wm, Teddington, Clerk. Sept 5.